

ANDOKIDES *On the Mysteries*

TEXT EDITED WITH INTRODUCTION
COMMENTARY, AND APPENDIXES BY

DOUGLAS M. MACDOWELL

CLARENDON  PAPERBACKS

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AND APPENDIXES BY
DOUGLAS MACDOWELL

PROFESSOR OF GREEK IN THE
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PREFACE

THE speech *On the Mysteries* has had no new commentary in English for over seventy years, and none in any language for thirty. Meanwhile great advances have been made in the understanding of Athenian history and literature, and so it seemed time to make a fresh attempt to interpret the speech, and to examine the evidence and arguments contained in it more rigorously than earlier editors did.

This edition is intended, in the first place, for readers (mainly undergraduates, and perhaps some sixth-formers too) who have no previous knowledge of Andokides. But I have tried to make it useful also to more advanced scholars; even for the most difficult or technical problems I have provided either a discussion or at least a survey of the relevant evidence. Consequently advanced and elementary notes will sometimes be found side by side in the commentary, but most readers of commentaries on Greek texts are accomplished skippers and are unlikely to have difficulty in ignoring individual notes which do not interest them.

Professor K. J. Dover and Mr. A. R. W. Harrison read the book in typescript, some parts were read also by Dr. J. F. Healy, and finally Dr. R. S. Bluck read the whole in proof. I am very grateful to them for their comments and criticisms.

D. M. M.

Manchester
May 1962

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ABBREVIATIONS

<i>Ag. Alk.</i>	<i>Against Alkibiades</i> , i.e. [Andokides] 4.
<i>Ag. And.</i>	<i>Against Andokides</i> , i.e. [Lysias] 6.
<i>Ais.</i>	Aischines.
<i>Ant.</i>	Antiphon the orator.
<i>Ath. Pol.</i>	The <i>Athenaion Politeia</i> attributed to Aristotle.
<i>ATL</i>	Meritt, Wade-Gery, and McGregor <i>The Athenian Tribute Lists</i> .
<i>Is.</i>	Isaios.
<i>Isok.</i>	Isokrates.
<i>Life of And.</i>	<i>Life of Andokides</i> in <i>Lives of the Ten Orators</i> , i.e. [Plu.] <i>Eth.</i> 834b-835b.
<i>LSJ</i>	Liddell and Scott <i>Greek-English Lexicon</i> , revised by H. Stuart Jones.
<i>Lyk.</i>	Lykourgos the orator.
<i>Plu. Eth.</i>	Plutarch <i>Ethika</i> .
<i>RE</i>	Pauly-Wissowa-Kroll <i>Real-Encyclopädie</i> .
<i>SEG</i>	<i>Supplementum Epigraphicum Graecum</i> .
<i>X. Apom.</i>	Xenophon <i>Apomnemoneumata</i> .
<i>ZSSR</i>	<i>Zeitschrift der Savigny-Stiftung für Rechtsgeschichte (Romanistische Abteilung)</i> .

Other abbreviations are either the same as in LSJ or will be readily understood. For modern writings referred to by the author's name only, see the list on pages xi-xiii.

Figures printed in bold type (e.g. 123) refer to sections of *On the Mysteries*.

All three-figure dates are B.C. A form like '403/2' refers to an archon-year, from midsummer to midsummer. '405-3' means the whole period from the beginning of 405 to the end of 403.

LIST OF BOOKS AND ARTICLES

THIS is not a complete list. It is mainly confined to the more recent writings and to those cited elsewhere only by their authors' names. Other books and articles are mentioned in the footnotes to the Introduction and in the Commentary and Appendixes. A full list of older works may be found in the preface to the edition of Blass and Fuhr.

- Umberto Albini: *Per un profilo di Andocide* (in *Maia* viii (1956) 163-80).
 Umberto Albini: *Rassegna di studi andocidei* (in *Atene e Roma* iii (1958) 129-48).
 F. Blass: *Die attische Beredsamkeit* volume i (Leipzig, 2nd edition 1887). (Cited as 'Blass AB'.)
 F. Blass and C. Fuhr: *Andocidis orationes* (Leipzig, 4th edition 1913).
 R. J. Bonner and G. Smith: *The Administration of Justice from Homer to Aristotle* (Chicago, 1930-8).
 G. M. Calhoun: *Athenian Clubs in Politics and Litigation* (Austin, 1913).
 Georges Dalmeida: *Andocide: Discours* (Paris, 1930).
 J. D. Denniston: *The Greek Particles* (Oxford, 2nd edition 1954).
 J. F. Dobson: *The Greek Orators* (London, 1919).
 L. L. Forman: *Index Andocideus, Lycurgeus, Dinarcheus* (Oxford, 1897).
 Jean Hatzfeld: *Alcibiade* (Paris, 1940).
 Jean Hatzfeld: *Le départ de l'expédition de Sicile et les Adonies de 415* (in *Revue des Études Grecques* l (1937) 293-303).
 W. J. Hickie: *Andocides de Mysteriis* (London, 1885).
 C. Hignett: *A History of the Athenian Constitution* (Oxford, 1952).
 R. C. Jebb: *The Attic Orators from Antiphon to Isaeus* volume i (London, 2nd edition 1893). (Cited as 'Jebb AOI'.)
 R. C. Jebb: *Selections from the Attic Orators* (London, 2nd edition 1888). (Cited as 'Jebb Sel'.)
 J. W. Jones: *The Law and Legal Theory of the Greeks* (Oxford, 1956).
 G. A. Kennedy: *The Oratory of Andocides* (in *American Journal of Philology* lxxix (1958) 32-43).
 S. S. Kingsbury: *A Rhetorical Study of the Style of Andocides* (Baltimore, 1899).
 Franz Lämmli: *Das attische Prozessverfahren in seiner Wirkung auf die Gerichtsrede* (Paderborn, 1938).
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 K. J. Maidment: *Minor Attic Orators* volume i (Loeb Classical Library, Cambridge Mass. and London, 1941).
 A. D. J. Makkink: *Andokides' Eerste Rede* (Amsterdam, 1932).
 E. C. Marchant: *Andocides, de Mysteriis and de Reditu* (London, 1889).
 K. Meisterhans: *Grammatik der attischen Inschriften* (Berlin, 3rd edition, revised by E. Schwyzer, 1900).
 B. D. Meritt: *The Departure of Alkibiades for Sicily* (in *American Journal of Archaeology* xxxiv (1930) 125-52).

- B. D. Meritt: *Athenian Financial Documents* (Ann Arbor, 1932). (Cited as 'Meritt AFD'.)
- M. H. Morgan: *Some Constructions in Andocides* (in *Harvard Studies in Classical Philology* ii (1891) 57-69).
- U. E. Paoli: *Studi di diritto attico* (Florence, 1930).
- A. E. Raubitschek: *Zur attischen Genealogie* (in *Rheinisches Museum* xcvi (1955) 258-62).
- Franco Sartori: *Le eterie nella vita politica ateniese del VI e V secolo a.C.* (Rome, 1957).
- Wilhelm Schmid: *Geschichte der griechischen Literatur* part I volume iii (Munich, 1940).
- M. N. Tod: *Greek Historical Inscriptions* (Oxford, volume i 2nd edition 1946, volume ii 1948).
- Erik Wolf: *Griechisches Rechtsdenken* volume iii part 2, *Die Umformung des Rechtsgedankens durch Historik und Rhetorik* (Frankfurt am Main, 1956).

INTRODUCTION

I. THE FAMILY AND LIFE OF ANDOKIDES

ANDOKIDES, son of Leogoras, of the deme Kydathenaion (in the Pandionis tribe), was a member of an old¹ and wealthy family.² As far back as the middle of the sixth century B.C. an Andokides, perhaps his great-great-grandfather, had been a treasurer of Athena,³ an office open only to the wealthiest class of citizens.⁴ Another great-great-grandfather, Leogoras, had an opportunity to marry into the family of the tyrant Peisistratos, but preferred instead to go into exile with the Alkmeonids and other opponents of the tyranny.⁵ This connexion with the Alkmeonid family was long maintained. A third great-great-grandfather, Charias, and a great-grandfather, Leogoras, were among the leaders of the Athenians who helped the Spartans and the Alkmeonids to expel the Peisistratids in 510.⁶ In the middle of the fifth century, when Perikles (son of an Alkmeonid mother) became virtual ruler of Athens, Andokides, the orator's grandfather, was prominent among his supporters. As a general in 446/5 he invaded the Megarid, and escaped being cut off only by a circuitous withdrawal from Pegai via Boiotia.⁷ In the same year he was one of the ten Athenian envoys who made the Thirty Years' Peace with Sparta.⁸ He was again a general with Perikles at the revolt of Samos in 441/0.⁹

Leogoras, the orator's father, kept up the connexion with the Alkmeonid family by marrying a sister-in-law of Perikles's son

¹ Hellanikos is said to have traced its descent from Hermes and Odysseus (Plu. *Alk.* 21. 1, *Life of And.* 1). The statement of *Life of And.* 1 that it was the family of the Kerykes is probably a mistake (Jebb *AOi* 71 note 1), but see my note on 132 μυνων.

² See family-tree in Appendix K.

³ *IG* 1² 393. 4.

⁴ *Ath. Pol.* 8. 1.

⁵ *And.* 2. 26. I agree with Raubitschek 261 that πρόπαππος here needs no emendation.

⁶ 106; see Appendix O.

⁷ *IG* 1² 1085 (= Tod 41).

⁸ *And.* 3. 6, *Ais.* 2. 174.

⁹ Androton F38. Whether he also accompanied the Athenian expedition to Kerkyra in 433/2 (Th. 1. 51. 4; cf. *Life of And.* 2) is disputed; different views are well stated by A. W. Gomme *Commentary on Thucydides* 1 188-9 and F. Jacoby *F. Gr. Hist.* commentary on 323a F24. The idea that he was accused of temple-robbery by Phileas or Philourgos (Souda Φιλέας) is rightly dismissed by Makkink 14-16.

Xanthippos.¹ He seems to have been friendly, perhaps through trade, with the king of Makedonia,² and was the leader of an Athenian embassy to him in 426.³ Otherwise he did not as far as we know hold any public offices.⁴ But he was well-known in Athens, and is satirized by the comic dramatists, for spending his wealth on pleasures and luxurious living.⁵ Andokides describes in his speech *On the Mysteries* how Leogoras was accused in 415 of participation both in the profanation of the Mysteries and in the mutilation of the Hermai, but escaped punishment on both charges. He seems to have been still alive in 410,⁶ but was dead by the time of this speech.⁷

Andokides himself was born not long before 440.⁸ Before 415 he had become a member of a group of friends of whom Meletos and Euphiletos seem to have been leaders.⁹ Their activities were not merely social but also political; they were oligarchs, and Andokides wrote for them a piece of oligarchic propaganda entitled *To his Comrades*, of which a few fragments survive.¹⁰ It was these young conservatives who in 415 planned and carried out the mutilation of the Hermai, and some of them seem also to have been involved in the profanation of the Mysteries.

The political situation in 415 was this.¹¹ Though the war between Athens and Sparta had been brought to a temporary end in 421 by the Peace of Nikias, neither side was really satisfied by the terms of this treaty, and many in Athens were in favour of

¹ See Appendix L. Nothing is known of her father Teisandros, except that he was prominent enough, like Leogoras's father, to be voted against in the ostracism of 443 (*IG* i² 911). ² And. 2. 11. ³ *IG* i² 57 (= Tod 61). 51.

⁴ Raubitschek 261 note 8 accepts from the scholiast on Ais. 2. 31 the statement that Leogoras was the leader of some klerouchs who were defeated at Ennea Hodoi in Thrace in 453/2. My reasons for rejecting it are given in my note *Leogoras at Ennea Hodoi* in *Rheinisches Museum* cii (1959) 376-8.

⁵ Ar. *Clouds* 109 with schol., *Wasps* 1269, Pl. com. 106, Eupolis 44, Ath. 9. 387a.

⁶ If that is the date of Eupolis 44.

⁷ 148. The use of ἐμὸν in 146 perhaps implies that he died at some time earlier than the death of Kleophon in 405/4.

⁸ He was young in 415 (And. 2. 7). At the time of his trial he was over forty (*Ag. And.* 46), and yet still young enough to look forward to having children (148 οὐνω). The statement in *Life of And.* 15 that he was born in 468/7 must be a mistake.

⁹ 63.

¹⁰ It has been denied that they had political interests. For a discussion of this question, and for further details of the work *To his Comrades*, see Appendix G.

¹¹ And.'s account of the events of 415 is given in 11-69, but it is neither complete nor entirely truthful. The problems it raises are discussed in Appendixes A-G.

resuming the war. Among them was Alkibiades. His mother was an Alkmeonid and a cousin of Perikles. He himself was an intelligent, ambitious, selfish, and flamboyant man, whose personality attracted some (including Sokrates) and repelled others. For reasons of personal ambition he wanted war, and it was he who urged that in 415 the Athenians should send an expedition to conquer Sicily. Cautious men like Nikias deprecated this wild suggestion, but the assembly liked Alkibiades, and so preparations were made for the expedition to set out in the summer of 415 under the command of Alkibiades, Nikias, and Lamachos.

But one morning shortly before the fleet was due to sail, it was discovered that during the night nearly all the *Hermai* (images of Hermes, the god of travellers) which stood in streets and public places in Athens had been mutilated. Many believed this to be a very bad omen for the coming expedition, and alarm was increased when it was reported that Alkibiades and others had been conducting parodies of the secret ceremonies of the Eleusinian Mysteries in private houses and in the presence of uninitiated persons. The enemies of Alkibiades spread the rumour that he was involved in both these impious crimes, and that they were part of a conspiracy to overthrow the democracy. Alkibiades demanded an immediate trial to clear his name, but his opponents realized that no Athenian jury would want to convict and condemn to death a general who, as they believed, was about to conquer Sicily for them, and so the trial was postponed. The fleet set out. In Athens more men were denounced for impiety on the ground that they had taken part in the profanation of the Mysteries, the mutilation of the *Hermai*, or both. Some were executed, some escaped into exile. The propaganda against Alkibiades was redoubled, and the assembly voted that he should return to Athens for trial, but on the way he eluded his escorts and escaped to the Peloponnese. The Athenians condemned him to death in his absence.

Andokides was among those denounced and imprisoned. But it was possible for a criminal to obtain immunity from punishment (*ἀδεια*) by giving evidence against his accomplices; and this is what Andokides now did. He thus escaped execution, but it seems that in doing so he admitted his own guilt and made himself very unpopular. Soon afterwards the decree of Isotimides was passed, forbidding all who were guilty of impiety and had

admitted it to enter temples or the agora at Athens.¹ Andokides was the most obvious—perhaps the only—man in Athens to whom the decree applied, and the Athenians may have passed it solely to get rid of him;² if so, that shows how much his impious actions were loathed. To live amid such detestation, and without entering the temples or the agora, was intolerable; and so Andokides withdrew into exile.³

After a spell in Cyprus, during which he is said to have got into trouble with the king of Kition,⁴ he decided that the best way to get back to Athens was to do the Athenians some service, to persuade them to forgive him. So in 411 he made good use of his family's Makedonian connexions by persuading King Archelaos to allow him to fell Makedonian timber for oars and export it to the Athenian fleet, then stationed at Samos;⁵ he also took to Samos some corn and bronze, and then went off to Athens to receive his expected reward of forgiveness. But he had chosen his moment badly. That summer the oligarchy of Four-hundred, headed by Peisandros, was in control at Athens, and was repudiated by the democratic sailors at Samos, who sent for Alkibiades to be their leader. So Andokides's good turn to the fleet was taken as a hostile act towards the Four-hundred, and, so far from rewarding him, Peisandros had him imprisoned.⁶

Eventually (perhaps at the downfall of the Four-hundred) he was released, but had to go into exile again. After more trouble in Cyprus,⁷ he made another attempt to obtain forgiveness. At Athens the democracy had now been restored. Andokides arrived, and persuaded⁸ the presidents (*πρυτάνεις*) to let him address the assembly. This was the speech *On his Return*, which we still have.⁹ In it Andokides promised that, through him,

¹ 71, *Ag. And.* 9, 24.

² *Ag. And.* 9 ὁ περὶ αὐτοῦ κείμενος perhaps implies this.

³ The decree was thus almost as bad as a revocation of the immunity previously given him. I take it that *And.* 2. 22 ἀφείλεσθε refers to this decree; it can hardly mean that his immunity was completely revoked, for then he could not have entered Athens at all to make his speech *On his Return* (as in 15 Teukros could not enter Athens without immunity).

⁴ *Ag. And.* 26; cf. *Life of And.* 9 and Appendix B.

⁵ *And.* 2. 11; cf. *IG* 12 105 (= *Tod* 91). 30.

⁶ *And.* 2. 13–15, *Ag. And.* 27.

⁸ By bribery, according to *Ag. And.* 29.

⁷ *Ag. And.* 28.

⁹ The date of this speech must be between 410 and 405, but I see no way of fixing it more exactly. Jebb *AGi* 107–8 thinks it cannot be later than the summer of 410, since the battle of Kyzikos (spring 410) reopened the Hellespont to Athenian

a large number of corn-ships would shortly reach Athens from Cyprus;¹ but it seems that this was not enough to win the Athenians' favour, and he had to go into exile once again.²

In the course of his exile he is said to have visited Sicily, Italy, Elis, Thessaly, the Hellespont, and Ionia,³ as well as Cyprus, where he evidently had good friends, for he was later offered an estate there as a present.⁴ He returned to Athens shortly after the end of the war and the restoration of the democracy which followed the oligarchic reign of the Thirty in 404-3. In the years 405-3 various amnesties⁵ had been introduced, in attempts to restore political unity to Athens and put an end to domestic quarrels, and it seems that now no one questioned Andokides's right to enter Athens, frequent the temples and agora, and exercise all the rights of a citizen. One of his first actions was to prosecute one Archippos on a charge of mutilating a Hermes dedicated by Andokides's family.⁶ He also held various offices,⁷ and took part in politics.⁸ But in autumn 400⁹ he was accused by Kephisios, at the instigation of Kallias, of violating the decree of Isotimides by attending the celebration of the Eleusinian

corn-ships, after which And.'s arrangements for the safety of corn-ships from Cyprus would have been no great benefit. But this is unconvincing, because (a) And.'s return was in the time of the democracy (*Ag. And.* 29); since the restoration of the democracy and the reopening of the Hellespont were both direct results of Kyzikos, they both occurred at about the same time, and And.'s speech could hardly be after one and before the other; (b) the arrival of a large number of corn-ships from Cyprus would always be a good thing, whether the Hellespont was open or not; (c) even if it was not a great benefit, And. would naturally make out that it was; (d) *And.* 2. 12 ἐν τῷ τότε χρόνῳ perhaps implies that more than a few months had elapsed since the battles of Kynossema (autumn 411) and Kyzikos. Makkink 28-29 suggests that corn could not reach Athens from the Black Sea between the arrival of Klearchos at Byzantion (*X. Hel.* 1. 1. 35-36) and the recovery of Byzantion by the Athenians (*X. Hel.* 1. 3. 14-20); he therefore places the speech in 409 or 408. This suggestion avoids my objections (a) and (d), but not (b) and (c). Schmid 133 note 3 suggests that the speech followed the recall of Alkibiades to Athens (which was in either 408 or 407, the year following the recovery of Byzantion); this is attractive, but cannot be proved.

¹ This promise was probably not fulfilled; for if it had been, surely And. would have had more to say about it in his speech *On the Mysteries*.

² *Ag. And.* 29.

³ *Ag. And.* 6, *Life of And.* 11.

⁴ 4.

⁵ Described in 73-91.

⁶ *Ag. And.* 11. Here αὐτοῦ might possibly refer to Archippos's family instead of And.'s; but that would make And.'s prosecution less reasonable.

⁷ 132.

⁸ *Ag. And.* 33.

⁹ The date is discussed in Appendix J. Throughout the rest of the book I assume, for the sake of brevity, that the year was 400; but 399, though less likely, is also possible.

Mysteries. It was against this charge that he successfully defended himself by his speech *On the Mysteries*.

The case will be described in greater detail in later sections of this Introduction. After his acquittal he continued to live in Athens and take part in public affairs. At some time he was a choregos for his tribe and won a victory with a boys' chorus at the Dionysia;¹ and he is also said to have been appointed a *ζητητής* (commissioner of inquiry).² In 392/1 he was sent with an embassy to Sparta to discuss terms for a peace to end the war which had begun in 395. When he returned to Athens, he made his speech *On the Peace* recommending the Athenians to accept the terms offered. But his advice was not taken. He and his fellow envoys were prosecuted by Kallistratos³ for disobeying their instructions, making false reports, and accepting bribes; they fled to avoid trial, and were condemned to death in their absence.⁴ That is the last we hear of Andokides.

II. THE RELIGIOUS BACKGROUND

To understand the significance of the 'impiety' (*ἀσέβεια*) committed by those who profaned the Mysteries and mutilated the Hermai in 415, it is essential to observe an important difference between the religion of the Athenians and most modern religions. Greek religion (I am speaking now of the ordinary man, not of philosophers and poets) depended more extensively on outward forms, on the performance of certain well-defined procedures which the gods liked, and the avoidance of actions which gave offence to them.⁵ The gods were beings much like men, except that they were immortal and infinitely more powerful. It was therefore desirable to please them and secure their aid; it was important not to offend them and incur their wrath. The best way to please them was to obey their commands and to perform the traditional rituals and ceremonies in their honour; the quickest way to offend them was to defy them and to insult their

¹ IG ii² 1138. 21, *Life of And.* 17.

² Harpokration *ζητητής*.

³ Nephew of Agyrrhios, one of his accusers in 400 (D. 24. 135).

⁴ Philochoros F149, D. 19. 276-80, *Life of And.* 12. That they were condemned to death in their absence is nowhere explicitly stated, but it seems to me the only reasonable explanation of Demosthenes's account.

⁵ This is an over-simplification; but in a short summary of a large and complex subject some over-simplification is inevitable.

ceremonies and shrines. And an offended god might wreak his vengeance on the entire community unless the community itself appeased him by punishing the offender. In our time a person who writes on the stonework of a cathedral, or entertains his friends by giving an imitation of the vicar reading prayers in church, may be thought to have offended against good taste; in fifth-century Athens actions not very different from these were impieties for which the penalty was death.

The 'great' Eleusinian Mysteries were the central feature of a festival in honour of Demeter, goddess of the earth and agriculture, and her daughter Kore (Persephone), queen of Hades, who were known as 'the two goddesses' (τῶ θεῶ). It was originally a local festival of the little town of Eleusis, some fourteen miles west of Athens, but when Eleusis was incorporated in Attica the festival became a national festival of Athens, and many travelled even from other parts of Greece to attend it. The rites of the Mysteries which formed its core were secret, and the secret was so well kept (despite the alleged revelations in 415) that they are now unknown. But it is clear that a most important part was the showing of certain 'sacred things' (ἱερά). Those to whom these secrets were revealed were 'initiated' (τελεῖσθαι or μυεῖσθαι¹), and it was believed that when they died they would enjoy everlasting bliss in the world of the dead.

The festival was held in the month Boedromion (approximately September). In preparation for it the sacred things were brought from Eleusis to the Eleusinion (temple of the Eleusinian goddesses, Demeter and Kore) in Athens, and various other preliminary ceremonies were performed: those who were to be initiated were purified by bathing in the sea, pigs were sacrificed, a procession was held in honour of Asklepios, god of healing, and so forth. On either the 19th or the 20th of the month² a great procession conducted the sacred things from Athens to Eleusis. The secret rites then lasted for about three days; by the 24th the festival was over.

The official in charge of the festival was the basileus (the

¹ The difference is obscure; And. uses μυεῖσθαι only.

² An inscription of the third century A.D. (*IG* ii² 1078) gives the 19th; the 20th is given by Plu. *Camillus* 19. 10, *Phokion* 28. 2, schol. on Ar. *Frogs* 324. Either the date was altered in Roman times, or the date given by the literary authorities is only approximate. See Sterling Dow *The Calendar of the Eleusinian Mysteries*, in *Harvard Studies in Classical Philology* xlviii (1937) 111-20.

archon concerned with religious affairs), assisted by four superintendents (ἐπιμεληταί). But the Mysteries themselves were conducted by priests, of whom the most important were the hierophant (ἱεροφάντης, shower of the sacred things) and the dadouchos (δαδούχος, torch-bearer), assisted by a herald (κῆρυξ). The hierophant was always one of the Eumolpidae and the dadouchos one of the Kerykes; one or both of these two families were perhaps aristocrats of Eleusis before the union with Athens.

The problems of the origin of the Eleusinian festival and its significance in relation to Greek religion in general are too large to be considered here.¹ More important for readers of Andokides is the question: just what was done by those who profaned the Mysteries in 415? Unfortunately no detailed answer to this question can be given. It is clear that witnesses who gave accounts of the profanation inevitably included in those accounts some of the secrets which might not be revealed to the uninitiated. For this reason no uninitiated person was allowed to hear their evidence,² no published writing (which might have been read by the uninitiated) contained details of it, and consequently no details have survived. But from the vague statements that the profaners 'did' the Mysteries or that Mysteries 'happened',³ and that particular individuals acted as hierophant and dadouchos,⁴ we may safely conclude that the profanation comprised the acting of secret ceremonies, not just the revealing of verbal secrets.⁵

¹ Readers wishing to know more may turn to W. K. C. Guthrie *The Greeks and their Gods* 277-94, M. P. Nilsson *Greek Popular Religion* 42-64, *Geschichte der griechischen Religion* i (2nd ed. 1955) 469-77, 653-67, Paul Foucart *Les Mystères d'Éleusis*, and George E. Mylonas *Eleusis and the Eleusinian Mysteries*.

² E.g. 12 γίγνοιτο, 16 ποιεῖν.

⁴ Plu. *Alk.* 19. 2, 22. 4.

⁵ Cf. *Ag. And.* 51 οὗτος γὰρ ἐνδὺς στολήν, μμούμενος τὰ ἱερὰ ἐπεδείκνυε τοῖς ἀμύητοις καὶ εἶπε τῇ φωνῇ τὰ ἀπόρρητα.

I cannot accept the view of Hatzfeld *Alcibiade* 178-80, following Goetz, that the Mysteries parodied were not the Eleusinian Mysteries. Hatzfeld bases his argument on an assumption that And. uses τὰ μυστήρια for the Eleusinian Mysteries, and μυστήρια for mysteries of any kind, not necessarily Eleusinian; he concludes that the Eleusinian Mysteries were not specifically mentioned by the informers in 12, 16, and 17, where μυστήρια appears without the article. I would reply that in 15 And.'s report of a statement of one of the informers contains the words τῶν μυστηρίων; that in 110 and 121 μυστηρίοις clearly refers to the Eleusinian Mysteries; that And. paid little attention to linguistic niceties of this sort (I do not know how Hatzfeld 178 note 4 can call him 'un écrivain soigneux' in this respect); and that if And. had believed that the informers' evidence did not refer to the Eleusinian Mysteries he would certainly have said so.

Hermes originated as the god of a heap of stones or stone pillar, set up to mark a path or a boundary, a meeting-place or a grave. He was thus the god of travellers and of private property; he presided over the agora, where men met for talk or trade; and he conducted them to Hades when they died. Even when the art of sculpture developed, it was usual to represent him by a stone pillar, of which the top was carved to represent his head but the rest, except for a phallus, remained a plain quadrangular column. Such pillars stood at many points in the streets of Athens. It is not quite clear whether, in origin, they stood in the streets because Hermes was the god of travellers, at meeting-places in the streets because he was the god of meeting-places, or in front of houses in order to protect private property. But whatever the original reason, Hermai were as normal a sight in the streets of Athens as wayside shrines are now in some Roman Catholic countries, and the inhabitants looked on them as symbols of the god's protection. These were the images which were 'cut about'¹ in 415.

Thus in 415 the Athenians feared to lose the favour of Demeter and Kore and the protection of Hermes; especially they feared to offend the god of travellers when their fleet was about to sail for Sicily. Is it surprising that the impieties caused such panic? Yes, a little. For one thing, the mutilation of images, even divine images, was not an event without precedent;² it might well be a sequel to a party at which some young men had too much to drink. For another, comic dramatists quite commonly presented parodies of religious ceremonies and festivals; the Eleusinian festival itself is used for comic purposes by Aristophanes in the *Frogs*. Of course comic dramatists did not show the sacred things of Eleusis to their audiences; but neither can Alkibiades and his friends have done that, for the sacred things remained in safe keeping in the temple at Eleusis. Besides, it may well be that the belief of ordinary Athenians in the powers of the Olympian gods was already on the wane. Is it possible then that the panic which followed the impieties was not entirely spontaneous, but that the

¹ 62 περικόψειν, Th. 6. 27. 1 περιεκόπησαν τὰ πρόσωπα. But Ar. *Lys.* 1093-4 shows that not only the faces were mutilated. On the question how many of the Hermai were mutilated, see note on 62 μόνος.

² Plu. *Alk.* 19. 1 mentions some mutilations, apparently in 415, which seem to have been ignored until the Hermai affair gave them news-value. In Ar. *Frogs* 366 the defilement of shrines of Hekate is one of a list of humdrum offences.

flame was fanned by someone for a political purpose? Probably; but what that purpose was is another question too large to be answered in an Introduction.¹

III. KALLIAS

Kallias, son of Hipponikos, of the deme Alopeke (in the Antiochis tribe), was a member of an even wealthier and more famous family² than Andokides. It belonged to the ancient clan of the Kerykes, and the office of dadouchos at the Eleusinian Mysteries was hereditary in it. This family too had an ancestor who opposed the Peisistratids.³ Kallias's grandfather, the elder Kallias, was a cousin of Aristides ('the Just'),⁴ and was married to Elpinike, the sister of Kimon.⁵ He was so rich that he was nicknamed 'the man with buried treasure' (ὁ λακκόπλουτος). He led the Athenian embassy which made the Peace of Kallias with Persia in 449, and he was a member (along with Andokides's grandfather) of that which made the Thirty Years' Peace with Sparta in 446/5.⁶ He showed such good will towards Sparta that the Spartans appointed him their representative (πρόξενος) in Athens, and this honour was inherited by his grandson.⁷

The red-haired,⁸ red-faced⁹ Hipponikos was a little less distinguished. The earliest thing we know of him is that he divorced his wife, the mother of Kallias, and she then married Perikles and bore him two sons, Xanthippos and Paralos;¹⁰ Kallias thus became a stepson of Perikles. Hipponikos was a general in 426,¹¹ but probably died soon afterwards.¹²

Kallias himself was born about 450.¹³ The family connexion

¹ See Appendix G.

² See family-tree in Appendix L. For the deme, see *Hesperia* v (1936) 400 line 110, and D. M. Lewis in *BSA* l (1955) 13-14.

³ Hdt. 6. 121.

⁴ Plu. *Arist.* 25. 6.

⁵ Plu. *Kim.* 4. 8.

⁶ Diod. 12. 7.

⁷ X. *Hel.* 6. 3. 4.

⁸ Kratinos 336.

⁹ Eupolis 19.

¹⁰ Pl. *Prt.* 314c, Plu. *Per.* 24. 8.

¹¹ Th. 3. 91. 4. Ath. 5. 218b gives the archonship of Euthydemos (431/0), but this must be a mistake, probably for Euthynos (426/5), or possibly for Eukles (427/6).

¹² Ath. 5. 218b guesses that he was dead by 421. The statement of *Ag. Alk.* 13 that he died as a general at Delion (in 424) may result from a confusion with Hippokrates (cf. Th. 4. 101. 2), but cannot be definitely disproved; see A. R. Burn in *CQ* iv (1954) 139.

¹³ He was born before Xanthippos (Pl. *Prt.* 314c, Plu. *Per.* 24. 8), who was already married before he died of the plague in 430 or 429 (Plu. *Per.* 36. 2-6). Yet he was still hale enough to go to Sparta as an envoy in 371 (X. *Hel.* 6. 3. 2).

with the Alkmeonids was kept up when his sister Hipparete married Alkibiades,¹ and in the next generation the daughter of Alkibiades and Hipparete married Kallias's son Hipponikos.² Kallias married first³ the daughter of the Periklean general Glaukon,⁴ and afterwards a daughter of the wealthy Ischomachos;⁵ his subsequent marital adventures are described (it is hard to tell how accurately) by Andokides in 124-9.

In the later part of his life he took some part in public affairs; he was a general in the Corinthian War in 391/0,⁶ and he three times went as an envoy to Sparta.⁷ But he was known mainly as a man of wealth, culture, and luxury. He was clearly a leader in social and intellectual circles—an Athenian Maecenas. He could play the flute,⁸ which was an unusual accomplishment for an Athenian gentleman. In particular, he was a patron of the Sophists; he is said to have spent more money on Sophists than everyone else put together.⁹ His house¹⁰ is the scene of Plato's *Protagoras*, and Xenophon's *Symposium* is set in his house at Peiraieus. But his wealth was not spent only on cultural and intellectual objects. He is mocked by the comic poets¹¹ for his extravagant and dissolute life, and he is said to have dissipated all his inherited wealth and ended his life poor.¹² Andokides's chief opponent was thus a formidable but also a vulnerable figure.

IV. THE ACCUSATION OF ANDOKIDES

The quarrel between Kallias and Andokides is described in 117-23. This is of course only Andokides's version, not an impartial account. But he does call witnesses in support of it, and

¹ *Ag. Alk.* 13, *Plu. Alk.* 8. Alkibiades and Kallias quarrelled over the dowry.

² *Lys.* 14. 28.

³ See page 207 note 1.

⁴ For Glaukon see note on 117 *Λέαινον*.

⁵ For Ischomachos see note on 124.

⁶ *X. Hel.* 4. 5. 13.

⁷ *X. Hel.* 6. 3. 4.

⁸ *Ath.* 4. 184d.

⁹ *Pl. Ap.* 20a; cf. *Pl. Kra.* 391b, *X. Sym.* 1. 5.

¹⁰ It was in the district called Melite, on the west side of the akropolis (schol. on *Ar. Frogs* 501).

¹¹ *Ar. Birds* 284-6, *Frogs* 432-4, fr. 572. He seems to have been the chief topic in Eupolis's *Flatterers* (*Ath.* 5. 218c, schol. on *Ar. Birds* 283), produced in 421 (*Ar. Peace* hyp. 1).

¹² *Lys.* 19. 48, *Ath.* 12. 537b-c, schol. on *Ar. Ekk.* 810; cf. 130-1. It was evidently thought a good joke when Iphikrates called him *μητραπεύτης* ('begging priest') instead of *δαδούχος* (*Arist. Rhet.* 1405^a19).

this suggests that the account is at least partially true, even though we have no record of what the witnesses said.

The quarrel arose (according to Andokides) over a woman, daughter of Epilykos and cousin of Andokides.¹ In Athenian law, a woman belonged to her husband, or (if unmarried) to her father, or (if her father was dead) to her brother or nearest male relative. If a man died leaving an unmarried daughter and no son, the woman passed, with the rest of his property, to the nearest male relative, who was required either to marry her himself or else to find her a husband and provide a dowry. He could avoid responsibility for her only by refusing the whole inheritance; the dead man's daughter and property went together, and it was impossible to accept one and refuse the other.

When Epilykos died, he left debts, no sons, and two unmarried daughters. The nearest male relatives were his two nephews, who were Andokides and his cousin Leagros. These two agreed to accept the daughters, even though the property accompanying them was a liability rather than an asset; Andokides takes care to point out² their generosity in accepting the responsibility despite the financial loss that it involved. However, the daughter allotted to Andokides shortly died; and for the other another claimant appeared, a son of Kallias. This man was a half-brother³ of the girl's mother; but relationship on the female side did not count, and his relationship to the girl on her father's side⁴ was less close than that of Andokides and Leagros. He thus could not hope to get the girl unless the other two gave up their claims.

So far, Andokides's version of the facts may be correct. More questionable is his account of the motives of the various persons concerned. He alleges that, though the girl was claimed nominally for Kallias's son, really Kallias wanted her for himself; yet he does not explain why, in this case, Kallias did not claim her in his own name. One may, if one chooses, think up possible explanations for this procedure; but when one reads that Kallias wanted the girl because of his lust, whereas Andokides claimed her because of his generosity, the desire for explanations may

¹ See family-tree in Appendix L.

² 119 διὰ τὴν ἡμετέραν ἀρετὴν.

³ Some say brother; but see page 207 note 2.

⁴ It is not quite clear what this relationship was; see note on 121 λαγχάνει τῷ υἱεῖ.

well give way to sheer disbelief. It is reasonable to wonder whether Andokides was really less selfish in claiming the girl for himself than Kallias in claiming her for another, and to suspect that she possessed other attractions besides debts.

Kallias (Andokides continues) bribed Leagros to give up his claim; but Andokides said that he would claim the girl if Leagros did not want her, and began taking legal steps to do so. Kallias decided that the only way to stop Andokides's claim was to threaten him with prosecution. It happened to be the time of the Eleusinian Mysteries (autumn 400), and Kallias paid one Kephisios (evidently a *συκοφάντης*) 1,000 drachmas to proceed against Andokides by *ἔνδειξις* on a charge of infringing the decree of Isotimides by attending the festival. *ἔνδειξις* was a normal procedure for the prosecution of persons accused of exercising rights to which they were not entitled.¹ The procedure was that Kephisios pointed out to the basileus that Andokides was attending the festival; at the end of the festival the basileus reported this to the council, and the council referred the case to a law-court.² Until the day of his trial arrived, it was normal for a person being prosecuted by *ἔνδειξις* to be kept in custody, or else required to provide sureties (*ἐγγυηταί*), friends who undertook to see that he appeared for trial. Andokides, however, was neither imprisoned nor required to provide sureties.³ Kallias hoped that he would flee from Athens rather than face a trial.

But Andokides stood his ground; and Kallias, seeing this, took a further step, even before the council had considered Kephisios's *ἔνδειξις*. He arranged for a suppliant-branch to be placed on the altar of the Eleusinion (the temple at Athens of the goddesses of Eleusis), which, it seems, was illegal at the time of the Mysteries, and accused Andokides of placing it there. If Andokides had really placed a suppliant-branch on an altar, that would have implied that he was imploring mercy, and thus that he was guilty of the charges Kephisios was bringing against him. But he denied that he had placed the suppliant-branch, and persisted in his claim to Epilykos's daughter. Then Kallias privately made a final offer to stop the prosecution and pay him compensation

¹ Cf. Harpokration *ἐνδειξις*· εἶδος δίκης δημοσίας, ὅφ' ἣν τοὺς ἐκ τῶν νόμων ἐιργαζομένους τινῶν ἢ τόπων ἢ πράξεων, εἰ μὴ ἀπέχουιντο αὐτῶν, ὑπῆγον, and Lipsius 331-5. Whether *ἐνδειξις* could be used also for other kinds of offence is doubtful; but that problem is irrelevant to And.'s case.

² See III and note.

³ See 2 and note.

for the trouble he had been given, if he would give up his claim. Again Andokides refused, and so the trial took place.

The case was tried by a jury consisting entirely of men who had been initiated in the Mysteries;¹ because it concerned religion, the trial was presided over by the basileus. The main charge was that Andokides had contravened that decree of Isotimides by attending the Mysteries (and also, no doubt, entering other temples and the agora) although he had previously committed impiety and confessed it. The secondary charge was that he had placed a suppliant-branch on the altar of the Eleusinion. The prosecution claimed that each of these offences was impiety (*ἀσέβεια*),² and the penalty they demanded was death.³

The chief prosecutor was Kephisios, and he was supported by Meletos, Epichares, and Agyrrhios. They may all have been *συκοφάνται*, paid by Kallias; but Agyrrhios also had a personal reason for disliking Andokides, since they were business rivals and had had a dispute at a tax-auction, described in 133-5. All four probably spoke. For the most part, what they said can only be guessed from what Andokides says in reply. But we do possess a considerable part of one speech entitled *Against Andokides*. In our manuscripts it is the sixth speech attributed to Lysias; however, it probably is not in fact by Lysias but is a speech made for the prosecution by Meletos, Epichares, or Agyrrhios.⁴ The beginning and a section near the end are lost. From what remains it does not appear to be a well-written or well-arranged speech. It contains no argued proof of Andokides's guilt; this will have been given by Kephisios in the main speech for the prosecution.

¹ 29.

² An attempt to give a precise definition of *ἀσέβεια* as a legal term has most recently been made by Jean Rudhardt *Le délit d'impiété d'après la législation attique* (in *Museum Helveticum* xvii (1960) 87-105). D. 22. 27, giving a list of methods of prosecution for *ἀσέβεια*, does not mention *ἐνδειξις*. But that does not prove that *ἐνδειξις* for *ἀσέβεια* was not permitted, and that consequently in the *ἐνδειξις* of Andokides the charge was not one of *ἀσέβεια*, since there is no need to suppose that the list is a complete one.

³ 32, 146, *Ag. And.* 55. The penalty for impiety was not invariably death, but was decided by the jury in each individual case; cf. the trial of Sokrates.

⁴ This was shown by G. Begodt *De oratione κατ' Ἀνδοκίδου, quae sexta inter Lysiacas fertur* (Münster, 1914); some later objections to this view are answered by Lämmli 43-49. Begodt maintains that it was Meletos who delivered the speech. But he seems to overlook the possibility that Agyrrhios was the speaker, and the arguments he brings against Epichares are not quite conclusive. I think, therefore, that the speaker may have been any of these three, though Meletos is perhaps the likeliest.

Instead, the speaker concentrates on the religious aspects of the case.¹ He stresses the importance of punishing those who have committed impiety, attempts to show how much the gods hate Andokides by a sketch of his life since 415 and by other arguments (such as the stupid argument about sea-voyages which Andokides refutes in 137-9), and anticipates some of the points which Andokides is likely to make in his defence; finally, in the most powerful part of the speech, he describes the impious acts that Andokides has committed, and asks the jury to punish him as he deserves.

When the speeches for the prosecution were finished, Andokides rose to make his defence.

V. ANDOKIDES'S DEFENCE

Against the main charge, that Andokides had infringed the decree of Isotimides by attending the Mysteries in 400 after committing impiety in 415, three lines of defence were logically possible. He might claim that he had not entered temples or the agora in 400; or he might claim that he had not committed impiety in 415; or he might claim that in 400 the decree of Isotimides was not valid. In fact he does not attempt in his speech to use the first of these lines of defence; no doubt it was well-known to everyone that he had frequented the temples and agora. But he does claim that he did not commit impiety in 415, and also that in 400 the decree was no longer valid. To make these claims convincing, he has to give some account of the profanation of the Mysteries in 415, the mutilation of the Hermai, and the amnesties and the revision and cancellation of various laws in the years 405-3.

The secondary charge was that he had placed a suppliant-branch on the Eleusinian altar. This he refutes not by claiming that such an action was legal but by claiming that he did not commit it.

Besides attempting to prove his innocence, he also claims that it is in the general interest that he should be acquitted. He supports this claim in two ways. In the first place, the Athenians,

¹ This fact, combined with his statement in 54 that his great-grandfather was a hierophant, suggests that he was one of the Eumolpidai.

after the revolutions and civil war of 411-10 and 404-3, were more likely to achieve political unity if they applied the amnesties of 405-3 as widely as possible and did not allow any convictions for offences committed before the democracy was restored in 403; Andokides should therefore not be penalized for anything done fifteen years ago. Secondly, in his financial dealings he had recently taken steps to prevent a group of men led by Agyrrhios, who was now one of his prosecutors, from depriving the state of revenue by unfair means; it was in the interest of Athens that he should be able to continue his campaign against them. This kind of argument, that an acquittal would be in the interest of the state, may seem irrelevant or improper to a modern reader. But it was a common feature of Athenian forensic speeches. The implication is that even if the defendant is guilty (though Andokides of course does not admit that he is guilty) it may still be right to acquit him, if it is not in the public interest that he should be punished. In a modern court a man may be declared guilty and yet be discharged without punishment. In an Athenian court this was often impossible, because the penalty for many kinds of offence was fixed; if the defendant was declared guilty, punishment followed automatically and inevitably. So if a jury thought that a man had committed an offence but for some reason ought not to be punished, their normal course would be to vote for his acquittal; and they would consider it just to acquit a man who had done in the past, or was likely to do in the future, services to the state sufficient to compensate for the offence he had committed.¹

Besides rebutting the charges, it was common for an Athenian defendant to attack his prosecutors and impugn their characters and motives. So Andokides includes in his speech attacks on all his prosecutors individually, and above all on Kallias.

He introduces his speech, as was usual, with a request to the jury to listen to him with favourable attention, and he ends it by

¹ This kind of argument in favour of acquittal is interestingly discussed by A. W. H. Adkins *Merit and Responsibility* (Oxford, 1960) 201-14. But he seems to me to go too far in maintaining that services to the state were a more powerful argument for acquittal than innocence of the charge brought by the prosecution (since in practice speakers normally take more trouble to rebut the charge than to recount past services), and in suggesting that to acquit because of past services a man who had committed an offence was *ἀγαθόν* but not *δίκαιον* (since in Athenian eyes it was *δίκαιον* to allow past services to be balanced against an offence).

entreating them to show both justice and mercy by acquitting him.

With all these matters to include, Andokides could hardly avoid a complex arrangement of his speech, and he is remarkably successful in keeping the thread of his arguments clear, making the transition from one subject to another seem natural,¹ and varying his subject-matter to prevent the speech from becoming monotonous and boring, while omitting nothing that needs to be put in. This is how it runs:

- 1-10 Introduction.
- 11-33 The profanation of the Mysteries.
- 34-70 The mutilation of the Hermai.
- 71-91 The amnesties and legal revision of 405-3.
- 92-100 Attack on Kephisios, Meletos, and Epichares, including further evidence of the effect of the amnesty of 403.
- 101-9 The need for Andokides to be acquitted for the sake of political unity.
- 110-16 The suppliant-branch.
- 117-31 Attack on Kallias.
- 132-6 Attack on Agyrrhios, with further evidence of what the Athenians will gain by acquitting Andokides.
- 137-9 Refutation of the prosecution's argument about sea-voyages.
- 140-50 Further argument that Athens will gain by his acquittal, and close of the speech.

It is not easy to know which of these arguments are sound.² It is perhaps impossible to know which of them convinced the jury. It was, of course, not necessary for Andokides that they should be convinced by every part of his speech individually; if, for example, they accepted his claim that the decree of Isotimides was now invalid, that would be enough to justify an acquittal on the main charge, regardless of whether they believed him innocent of impiety in 415. Still, we do know that Andokides was acquitted; and if he thought it worth while after the trial to publish his speech, he presumably thought that the arguments

¹ A good example of skilful transition occurs in 101, where And. moves from his attack on Epichares to his account of the trial's political importance by saying that Epichares's accusation reminded him of accusations under the Thirty.

² See Appendixes A, C, and I.

it contained would convince the world in general of his innocence. Whether the written version that we have differs from the speech actually delivered in court, one cannot tell for certain; but probably the differences, if any, are small.¹

VI. THE STYLE OF ANDOKIDES

Andokides is the second of the canon of ten Attic orators, being preceded only by Antiphon. Of course that does not mean that in his time oratory was something new; for political discussion and trial by jury are two essential features of democracy, so that two types of public speaking, political and forensic, had long been important parts of the life of the two chief democracies of the fifth century, Athens and Syracuse. But it does indicate that it was in his time that the practice began of writing down speeches and publishing them. This was a symptom of a new interest in oratory as a subject of study. Until the late fifth century, a speech was simply a man's expression of his ideas to an audience on one particular occasion, and it was seldom written out in advance² or published afterwards. But the Sophists, and above all Gorgias (who came to Athens in 427 from Sicily, where scientific study of rhetoric had already been started by Korax and Teisias), introduced the notion that rhetoric was a technique which could be learnt. This encouraged the habit of preparing speeches in detail, and gave rise to a demand for written speeches which could be studied as models.

Andokides thus stands at a transitional stage in the development of oratory—the transition from the time when all speakers were amateurs, and often spoke impromptu, to the age of the professional orator and speech-writer, whether lawyer or politician. Andokides was not himself a professional, but a 'gentleman

¹ Lämmli 17-42 takes the view that most of the speech was written before the trial (so that presumably we have it in the exact form in which it was delivered), but that certain passages (29 *ὅπερ*-33 *ἀποθανείται*, 113-14, 137-9, and perhaps others) could not have been composed until And. had heard the speeches of the prosecution, and so must have been added to the written version after the trial. These additions may have been based on improvised remarks which And. inserted in the speech while delivering it. I think Lämmli's view very probable; but certainty is unattainable.

² Perikles is said to have been the first to deliver a written speech in a law-court (Souda *Περικλῆς*).

orator'.¹ There is no evidence that he ever made a serious study of rhetoric; of his three² extant speeches, the first two deal only with his own personal affairs, and not until the speech *On the Peace* do we find him speaking on political matters of general concern; and his first two speeches were published probably more to convince readers of his own innocence than to serve as models for students of rhetoric. Yet he could not remain entirely uninfluenced by the new class of professional orators, among whom Lysias by 400 was probably already acknowledged as pre-eminent. So we find in Andokides's style a unique mixture of old and new.³

Since speeches before the time of Antiphon were not written down and published, it is not easy to discover what were the chief features of the older manner of speaking. But the use of language of a rather grand or solemn kind seems to have been admired. The reason for this pursuit of grandeur is obvious. Before rhetoric became a subject for study, the best and most admired speeches which the Athenians were accustomed to hear were those in the plays and in the recitations of Homer to which they regularly listened at the Dionysia, the Panathenaia, and other festivals. So, when a speaker wished to sound impressive, he naturally introduced some words or expressions from poetry, and especially from tragedy. Traces of this habit can be found in Antiphon and Thucydides. In the speech *On the Mysteries* the following are the most conspicuous instances: 29 φρικώδη ἀνωρθίαζον, 31 ἀρασάμενοι τὰς μεγίστας ἀρὰς, 68 ὁρῶσι τοῦ ἡλίου τὸ φῶς, 99 ἐπίτριπτον κίναδος, 130 κληδῶν, 146 οἴχεται πᾶν πρόρριζον.

There are also some other features of Andokides's style which appear to be old-fashioned. He regularly uses the indirect reflexive dative οἱ (15, 38, 40, 41, 42, 126). He uses a single τε to mean 'and' (21, 61, 107, 111). He uses τοῦτο μέν and τοῦτο δέ adverbially to link two clauses (103; cf. 2. 16, 2. 17, 3. 40); this idiom occurs quite often in Herodotos, Antiphon, and the tragedians, but never in Lysias, and comparatively seldom

¹ B. L. Gildersleeve in *AJP* vi (1885) 489 was the first, as far as I know, to apply this description to And.

² If we accept the belief, nowadays usual, that And. is not the author of the speech *Against Alkibiades*.

³ Antiphon's style is also a mixture of old and new, but not the same mixture; whereas And. was one of the last of the amateurs, Antiphon was one of the first of the professionals.

in other fourth-century writers. And, like Thucydides, he often uses a phrase, consisting of a noun with *εἶναι*, *γίγνεσθαι*, *καθίστασθαι*, *ἔχειν*, or *ποιεῖσθαι*, where a later writer would more probably have used a verb alone (e.g. *1* λόγους ποιεῖσθαι instead of λέγειν, *3* εἰς τοὺς κινδύνους καθισταμένων instead of κινδυνεύοντων, *10* ἡ ἔνδειξις ἐγένετο instead of ἐνεδείχθη).

The chief novelty which Gorgias introduced into Athenian oratory concerned not the choice of words but the arrangement of words and clauses within a sentence. Above all, he indulged in 'antithesis', the placing together of two parallel clauses or phrases as nearly alike in form as possible. Andokides, as I have said, made no special study of rhetoric and so was affected comparatively little by the innovations; yet even he has a few antitheses which resemble those of Gorgias. Examples are:

30 ἐκείνους μὲν ἀπολέσθαι, ὅτι ἡσέβησαν, ἐμὲ δὲ σώζεσθαι, ὅτι οὐδὲν ἡμάρτηκα.

57 ἡ καλῶς ἀπολέσθαι ἢ αἰσχρῶς σωθῆναι.

93 ἀντὶ μὲν φυγάδος πολίτης, ἀντὶ δὲ ἀτίμου συκοφάντης.

107 τὴν τε Ἑλλάδα ἡλευθέρωσαν καὶ τὴν πατρίδα ἔσωσαν.

But usually Andokides thinks it more important to say exactly what he wants to say than to say it in a neat Gorgianic antithesis. Whereas Gorgias (one suspects) altered his matter to suit his manner, Andokides sometimes tries to impose antithetical form on his matter and fails. One example will show what I mean. In 38 he wishes to say '(Diokleides said) he saw about three-hundred men, and they were standing in groups of fifteen or twenty'. How would a pupil of Gorgias have expressed this? He might have balanced the whole number against the groups and the fifteen against the twenty, with a result something like this:

οἶράν δὲ ἀνθρώπους πολλοὺς μὲν παρόντας, ὀλίγους δὲ συνεστῶτας·
τοὺς μὲν γὰρ ἀνὰ εἴκοσιν ἄνδρας ἐστάναι κύκλῳ, τοὺς δὲ ἀνὰ
πέντε καὶ δέκα ἡθροῖσθαι συλλόγῳ.

Andokides, it seems, tries to do the same thing, but gets the contrasts muddled:

οἶράν δὲ ἀνθρώπους τὸν μὲν ἀριθμὸν μάλιστα τριακοσίων, ἐστάναι
δὲ κύκλῳ ἀνὰ πέντε καὶ δέκα ἄνδρας, τοὺς δὲ ἀνὰ εἴκοσιν.

Many readers will not regret the absence of Gorgias's slick and superficial neatness. But by 400 'the new style of oratory' does not mean Gorgias only; Thrasyarchos, followed by Lysias, introduced a less florid style. Lysias realized that to convince listeners (not readers) it is important that a speaker should make his sentences simple and easy to follow, and his speeches set a new standard of grace and lucidity. If one compares a speech in Thucydides (who after 424 was away from Athens and so out of touch with new developments of Attic style) with an early speech of Lysias, it is hard to believe the fact that they may have been written at about the same date. Andokides tries to conform to this new oratorical fashion. His use of metaphors (e.g. 9 *θηρεύειν*) and of non-personal nouns as subjects of active verbs (e.g. 116 *στήλη*) is extremely sparing.¹ His sentences are easier to follow than most sentences of a Thucydidean speech, and he has a number of passages, mostly of narrative (e.g. 11 ff., 38 ff., 48 ff.), whose straightforward clarity even Lysias could hardly improve. But Lysianic simplicity is hard to achieve, and Andokides often fails to achieve it. Lysias would never have tolerated, for example, the tortuous wanderings of the sentence beginning in 144.

The fact is that Andokides, like most amateurs as contrasted with most professionals, is more interested in what he is doing than in how he is doing it. He is more concerned to convince the jury of his innocence than to see that his arguments are elegantly expressed. He does not care if he uses the same word several times where variety would have been more interesting (e.g. 22 *λέγειν*), or even repeats a whole phrase (e.g. 6 *εὐνοίαν πλείω παρασχέσθαι ἐμοὶ ἢ τοῖς κατηγοροῖς*). He sometimes uses a word in different senses within one sentence (e.g. 107 *γινώσκειν*), and often uses two or three words where one would do (e.g. 74 *εἶχον καὶ ἐκέκτηντο*). He is inconsistent in his use of tenses (e.g. he frequently uses both *τὰ γενόμενα* and *τὰ γεγεννημένα* for 'the facts', without any distinction of meaning) and prepositions (e.g. 82 *ἀναγράφαι ἐν τῇ στοᾷ*, but 85 *ἀνέγραψαν εἰς τὴν στοάν*). He introduces a *μέν* and then fails to provide any answering *δέ* (e.g. 10). Above all, he often interrupts the flow of a sentence by

¹ In the sparsity of their non-personal subjects, And. and Lysias are in strong contrast to Antiphon. See the statistics given by R. S. Radford *Personification and the Use of Abstract Subjects in the Attic Orators and Thucydides* (Baltimore, 1901) 5.

inserting a clumsy parenthesis (e.g. 27), or even breaks off altogether and begins a fresh sentence without ever completing the construction of the previous one (e.g. 95).

All these are faults, but they are faults which neither Andokides nor his jury will have considered serious. Andokides knew that the way to get the jury's favour was to keep them interested. So he includes plenty of narrative, some of it exciting (e.g. the midnight adventure-story of Diokleides in 38 ff.), intriguing (e.g. the family affairs in 117 ff.), or scandalous (e.g. the love-life of Kallias in 124 ff.). Nor is this narrative a plain recital of essential facts; it is filled with picturesque details that bring the various scenes to life (e.g. 11 *τριήρης ἡ στρατηγὶς ἥδη ἐξώρμει ἡ Λαμάχου*, 17 *ἐγκεκαλυμμένον*, 48 *ἦν δὲ βοή καὶ οἶκτος κλαιόντων καὶ ὁδυρομένων τὰ παρόντα κακά*). There is plenty of direct speech and dialogue, often imaginary (e.g. 101). He adds variety by interspersing his speech with the evidence of witnesses and the reading of documents. He keeps his audience alert by throwing rhetorical questions at them (notice especially the hypophora in 148), encouraging them to tell one another what they know of the facts (e.g. 37), challenging them to refute his statements (e.g. 23), and asking them to show their approval by applause or cheers (33). And he keeps them amused by anecdotes (e.g. 130-1), jokes (e.g. 100 pun on *ἐταῖρος*, 129 *Οἰδίπους*, *ἡ Αἴγισθος*;), and a stream of mildly ironic or paradoxical remarks, of which it is worth while to quote several examples:

67 *πίστιν τῶν ἐν ἀνθρώποις ἀπιστοτάτην.*

100 (of the meretricious Epichares) *καὶ ταῦτα οὕτως μοχθηρὸς ὦν τὴν ἰδέαν.*

101 *βλέπων εἰς αὐτὸν οὐδὲν ἄλλο ἢ ὑπὸ τῶν τριάκοντα συνειλημμένος ἔδοξα κρίνεσθαι.*

127 *τῆς γραδὸς τολμηροτάτης γυναικὸς ἀνηράσθη.*

133 (of the unscrupulous Agyrrhios) *ὁ καλὸς κάγαθός.*

He shows an infectious enthusiasm which carries an audience along with him, and, though his grammar may sometimes seem hard to explain, an Athenian listener can never have been in doubt about his meaning. If the construction of his sentences is clumsy, it is usually because his thoughts are bubbling over and he cannot wait to finish expressing one before he begins the next. In 39, for instance, he interrupts Diokleides's story to explain

Diokleides's motive, and he interrupts his explanation of the motive to exclaim at the *δεινότατον πρᾶγμα*. A stylist might shake his head at the parenthesis within a parenthesis, but an Athenian juryman would be more likely to join in by exclaiming '*δεινότατον πρᾶγμα*' himself. In 4 an account of Andokides's motives for staying in Athens to face trial is interrupted by a vivid report, in direct speech, of what his opponents said he would do. The first *ἐγὼ* of the sentence is left without a verb; but who cares? Not Andokides, nor the Athenian juryman, who is so enthralled with this glimpse of the prosecutors' thoughts that he does not quibble about, or even remember, the grammatical construction of the opening words of the sentence. Andokides knew that it was not by stylistic correctness but by lively and attractive speaking that he could best conceal the weaknesses of his case.

NOTE ON THE MANUSCRIPT AND TEXT

MODERN texts of the speech *On the Mysteries* are derived from the Cripps manuscript (also known as Burney 95 or A) of the thirteenth century, now in the British Museum. It has long been universally agreed that the other extant manuscripts are all copied from this one either directly or at second-hand, and that, where they differ from it, the changes are due merely to mistakes or conjectures, even though these conjectures are sometimes right.

The Cripps manuscript itself contains a number of corrections; and although it is generally agreed that some of these were made by the copyist himself, who noticed his mistakes and put them right at once, it has been thought that others are the work of a later corrector, using a slightly darker ink. But after a careful examination of the manuscript I have come to the conclusion that it is quite impossible to sort the corrections into two groups in this way, for these reasons:

1. The ink used by the original copyist varies in colour from light brown to nearly black, presumably because it was not mixed to a uniform consistency. Often it happens that even within a single word some letters are dark and some light. (This variation is especially noticeable on the verso of leaf 11 and the recto of leaf 12, containing the passage from 97 ποιήσαντα to 106 κατέγνωσαν, though I cannot explain why the colour should be more erratic here than elsewhere.) Sometimes it is possible to see that the writing changes gradually from dark to light in the course of a line or two and then suddenly becomes dark again; this suggests that the writing is dark when the copyist has just dipped his pen and light when his pen is nearly dry. So if a correction appears in ink darker than that of the surrounding letters, this may mean no more than that before making the correction the copyist redipped his pen.

2. Sometimes the ink of a correction is actually lighter than that of the surrounding letters. A good example occurs in 38, where τὰ πλείστα is corrected to τῶν πλείστων; the ink used in converting the α of πλείστα into ω is lighter than the ink of any

other letters in these words. Those who believe that darker ink represents a later corrector could hardly avoid the absurd conclusion that at this point the original copyist wrote simply ω or $\omega\nu$ and the corrector filled in all the other letters around it.

3. Everyone agrees that the handwriting (as distinct from the colour of the ink) of the corrections is indistinguishable from that of the original copyist.

Not only is it impossible to recognize the hand of a later corrector; it is sometimes impossible to be sure what was the reading of the manuscript before correction, or whether any correction has been made at all.

1. When the copyist has erased letters, he has usually done the job efficiently, so that the letters erased can no longer be seen. In some cases, however, editors have claimed to be able to see them. For instance, the word $\piλεύσαντι$ in 4 is preceded by a space in which is an erasure; Blass asserted that the erased letters were $\acute{\alpha}\pi\omicron$, Fuhr that they were $\acute{\alpha}\gamma\alpha$. Now, it is true that the erasure is of a size and shape quite suitable to accommodate either $\acute{\alpha}\pi\omicron$ or $\acute{\alpha}\gamma\alpha$. Yet the only trace of these letters which can be seen is a small mark above the line which may be part of a breathing or accent, and the number of other combinations of letters which would fit the space equally well is enormous.

2. When the surface is rough or uneven or slightly discoloured, this is not always a sign of an erasure. For example, a number of marks appear under and near the words $\betaουλὴν ὑπερέβαλον$ in 134, and several editors have thought that some words were erased and rewritten at this point. But the marks do not run continuously along the line, as one would expect if complete words were erased; they lie scattered about in a random manner, and it seems to me more likely that these imperfections were present on the page before anything was written there at all. (If they are erasures, they may be erasures of spattered ink or something similar.)

3. It often happens in this manuscript, as in others, that the final letter of a word is written above the preceding letter; that does not prove that it is a later correction. In 128 appears the word $\piαιδί\omega$; the ω is written above the second ι . It happens that $\piαιδ\grave{\iota}$, not $\piαιδί\omega$, is almost certainly what Andokides wrote here, and some editors have jumped to the conclusion that $\piαιδ\grave{\iota}$ was originally written in our manuscript and afterwards altered to

παιδίω. Yet this does not follow from the position in which the ω is written, and there is nothing else (not even a difference in the colour of the ink) to suggest that any correction has been made here. In such a case it is hard not to suspect editors of seeing in the manuscript what they believed ought to be there. In $\delta\upsilon\tau\alpha$, only a few lines higher up on the same page, the α is written above the τ ; yet no editor, as far as I know, has ever asserted that $\delta\upsilon\tau$ was the original reading of the manuscript.

Yet there still remain some places where it is possible both to see that a correction has been made and to make out what was the original reading. In such cases, is the reading of the archetype from which our manuscript was copied represented by the original reading of our manuscript or by the correction? In other words, were the corrections made by an editor on his own conjecture or by someone (whether the original scribe or another) who checked the manuscript against the archetype? I believe that the second of these alternatives is the right one, but some have taken the opposite view; for instance, Louis Gernet in *Revue de Philologie* v (1931) 368 writes 'les leçons de A², parfois ingénieuses, mais pas toujours bien inspirées, doivent être considérées, nous semble-t-il, comme de son cru'.

Now, most of the corrections that have been made are obvious corrections of obvious mistakes; these corrections do not help to settle our problem because they may equally easily have been made by conjecture or by reference to the archetype. But the editors of the Teubner and Budé editions quote a number of instances to show that some, at least, of the corrections are due to bad conjectures. The passages they quote, with my comments, are these:

1. 4 ἀποπλεύσαντι altered to πλεύσαντι. But, as I have already said, it is very doubtful whether ἀποπλεύσαντι was the original reading. And even if we grant that it was, why should any editor then alter it to πλεύσαντι? Not from his own conjecture, for there is nothing obviously wrong with ἀποπλεύσαντι, but only because he found that πλεύσαντι was the reading of the archetype.

2. 8 παραλείπειν altered to παραλιπεῖν. But there is nothing obviously wrong with παραλείπειν which would encourage an editor to make a conjecture; on the other hand, after the present διδάσκειν a scribe might easily write a second present by mistake.

3. 23 εἰπόντα altered to εἰπόντας. It is admittedly possible to see how the plural might, by conjecture, supplant the singular (as Dalmeyda explains on page xxxv). But it is equally easy to see how, given a previous corruption of the rare plural οὐδένας to an οὐδένα to be taken with the preceding words, a copyist might inadvertently continue with a singular εἰπόντα. So I think no conclusion can be drawn from this passage.

4. 26 ἐλέγξαι altered to ἐξελέγξαι. There is an erasure here, and it is less certain than some editors would have us believe that the original reading was ἐλέγξαι. But if we grant that it was, why should anyone then conjecture ἐξελέγξαι? No one has attempted to alter ἐλέγξῃ in the next sentence; nor would anyone have thought of altering ἐλέγξαι if he had not been prompted by the evidence of the archetype.

5. 30 τῇ erased before τοιαύτη αἰτία. In fact, no legible trace remains of the letters erased. But suppose we grant that they were τῇ. Which is more likely: that an editor thought τῇ τοιαύτη αἰτία so obviously wrong that he erased τῇ (though seeing nothing wrong with τὰ τοιαῦτα ἁμαρτήματα earlier in the sentence); or that τῇ was not in the archetype, and the copyist of our manuscript automatically put it in (because he had just previously written τὰ τοιαῦτα ἁμαρτήματα) and then, discovering that it was not in the archetype after all, scrupulously erased it? The second of these alternatives seems to me more probable.

6. 56 δὲ erased after πόλει εἶτα. But it is in fact doubtful whether any erasure has been made here; and no one, as far as I know, has offered a satisfactory explanation of why a conjecturing editor would be likely to erase δὲ.

7. 85 πάντως changed to πάντες. But why should an editor who found πάντως in the text wish to alter it by conjecture?

8. 103 τὰ inserted before ψηφίσματα. Again, how could this alteration be reached by conjecture?

9. 112 καὶ inserted before ὥχετο. Again, what conjecturing editor would have thought of this?

10. 128 παιδὶ altered to παιδίω. But, as I have already explained, there is no evidence that this was an alteration at all.

In short, I think that there is no adequate evidence that the corrections are conjectures, and good evidence that they were made by checking our manuscript against a better one, which can hardly have been any other than the archetype from which

it was copied. We may safely assume that where a correction has been made the correction represents the reading of the archetype, and that the original reading of our manuscript is therefore simply a copying mistake and of no value.

In the *apparatus criticus* placed below my text, readings not attributed to another source are those of the Cripps manuscript as corrected by reference to the archetype. This is the version referred to in the Commentary as 'the ms.'. All deviations of my text from it are recorded in the *apparatus* except for the correction of breathings and accents (where the meaning is not affected), the insertion of capital letters and iotas subscript (which are often omitted in the manuscript), minor changes of punctuation (not affecting the meaning), and the change to γιν- of forms like γίνεσθαι and γινώσκειν (which occur very often in the manuscript but are generally thought not to have been in use in Attic prose of Andokides's time). Readings which have been corrected in the manuscript itself are not recorded, for the reason which I have given in the preceding paragraphs. There are a few places where I have found that the *apparatus* of other editions did not report the reading of the manuscript accurately, but they are so trivial that I have not thought it worth while to draw special attention to them in my *apparatus*; the most important, 104 ἀγῶνα, is noticed in the Commentary. The abbreviation 'ap.' refers to some or all of the later manuscripts ('apographa'), 'Ald.' to the Aldine edition. Conjectures not adopted in the text seldom appear in the *apparatus*, but the most important of them will be found mentioned in the Commentary.

Some nineteenth-century editors took it for granted that the diction and orthography of Andokides resembled those of later Attic orators, and freely emended his text to make it conform to what they believed to be 'Attic usage'. This is a dangerous practice. It is not safe to assume that no changes occurred in the Attic language between the time of Andokides and the time of Demosthenes. It is not even safe to assume that Andokides was consistent with himself in such matters. Standardization is a comparatively modern ideal; there is no reason to believe that Andokides cared any more for it than Shakespeare (who appears to have had various ways even of spelling his own name). A small but typical example of the attitude of some editors is the treatment given to ἔνεκα, ἔνεκεν, and εἵνεκα. All three forms

occur in the manuscript in different places; Blass and Lipsius emended the other two to *ἔνεκα* throughout. But it has not yet been proved that an Attic writer in 400 could not have used *ἔνεκεν* or *εἵνεκα*, and how are we ever to learn whether these forms were current then if they are automatically removed from the texts we use as evidence?

The total quantity of Andokides's extant writings is so small that a complete understanding of his style is impossible to attain. We should therefore beware of an editor who condemns readings of the manuscript on grounds of style; his emendations may turn out to be improvements which Andokides did not care to make. If a sentence seems clumsy, that is not proof that Andokides did not write it; such a sentence needs explanation rather than emendation. The principle I have tried to follow (even though perhaps not always with success) is that no emendation, however attractive, should be admitted to the text unless the reading of the manuscript cannot be explained. This principle is not followed by the editors of the Teubner text, which has been in general use as the standard text of Andokides for many years. There are few places in the speech in which I have rejected a reading of the manuscript which the Teubner editors accepted, but there are over ninety in which I have accepted one which they rejected. This does not mean that in every one of these places I am certain that the manuscript reading is right; it means that I am not certain that it is wrong. If my conservatism has the effect of stimulating others to prove that emendation in these places is essential, no one will be more pleased than I.

ΑΝΔΟΚΙΔΟΥ

ΠΕΡΙ ΤΩΝ ΜΥΣΤΗΡΙΩΝ

- Τὴν μὲν παρασκευὴν, ὧ ἄνδρες, καὶ τὴν προθυμίαν τῶν ἐχθρῶν τῶν ἐμῶν, ὥστ' ἐμὲ κακῶς ποιεῖν ἐκ παντὸς τρόπου καὶ δικαίως καὶ ἀδίκως, ἐξ ἀρχῆς ἐπειδὴ τάχιστα ἀφικόμεν ἐῖς τὴν πόλιν ταυτηνί, σχεδόν τι πάντες ἐπίστασθε, καὶ οὐδὲν δεῖ περὶ τούτων πολλοὺς λόγους ποιεῖσθαι. ἐγὼ δέ, ὧ ἄνδρες, 5 δεήσομαι ὑμῶν δίκαια καὶ ὑμῖν τε ῥάδια χαρίζεσθαι καὶ ἐμοὶ
- 2 ἄξια πολλοῦ τυχεῖν παρ' ὑμῶν· καὶ πρώτων μὲν ἐνθυμηθῆναι ὅτι νῦν ἐγὼ ἦκω οὐδεμιᾶς μοι ἀνάγκης οὔσης παραμεῖναι, οὐτ' ἐγγυητὰς καταστήσας οὐθ' ὑπὸ δεσμῶν ἀναγκασθεῖς, πιστεύσας δὲ μάλιστα μὲν τῷ δικαίῳ, ἔπειτα δὲ καὶ ὑμῖν, γινώσκειν τὰ 10 δίκαια καὶ μὴ περιόψεσθαι με ἀδίκως ὑπὸ τῶν ἐχθρῶν τῶν ἐμῶν διαφθαρέντα, ἀλλὰ πολὺ μᾶλλον σώσειν δικαίως κατὰ τε τοὺς νόμους τοὺς ὑμετέρους καὶ τοὺς ὅρκους οὓς ὑμεῖς ὁμόσαντες
- 3 μέλλετε τὴν ψῆφον οἴσειν. εἰκότως δ' ἂν, ὧ ἄνδρες, τὴν αὐτὴν γνώμην ἔχοιτε περὶ τῶν ἐθελόντων εἰς τοὺς κινδύνους καθιστα- 15 μένων, ἢ περ αὐτοὶ περὶ αὐτῶν ἔχουσιν. ὅποσοι μὲν γὰρ μὴ ἠθέλησαν ὑπομεῖναι καταγνόντες αὐτῶν ἀδικίαν, εἰκότως τοὶ καὶ ὑμεῖς τοιαῦτα περὶ αὐτῶν γιγνώσκετε οἷα περ καὶ αὐτοὶ περὶ σφῶν αὐτῶν ἔγνωσαν· ὅποσοι δὲ πιστεύσαντες μηδὲν ἀδικεῖν ὑπέμειναν, δίκαιοί ἐστε καὶ ὑμεῖς περὶ τούτων τοιαύτην 20 ἔχειν τὴν γνώμην οἷαν περ καὶ αὐτοὶ περὶ αὐτῶν ἔσχον, καὶ μὴ
- 4 προκαταγινώσκειν ἀδικεῖν. αὐτίκα ἐγὼ πολλῶν μοι ἀπαγγελόντων ὅτι λέγοιεν οἱ ἐχθροὶ ὥς ἄρα ἐγὼ οὐτ' ἂν ὑπομείναιμι οἰχήσομαί τε φεύγων—"Τί γὰρ ἂν καὶ βουλόμενος Ἀνδοκίδης ἀγῶνα τοσοῦτον ὑπομείνειεν, ὧ ἔξεστι μὲν ἀπελθόντι ἐντεῦθεν 25 ἔχειν πάντα τὰ ἐπιτήδεια, ἔστι δὲ πλεῦσαντι εἰς Κύπρον, ὅθεν περ ἦκει, γῇ πολλῇ καὶ ἀγαθῇ διδομένη καὶ δωρεὰ ὑπάρχουσα; οὗτος ἄρα βουλήσεται περὶ τοῦ σώματος τοῦ ἑαυτοῦ κινδυνεῦσαι; εἰς τί ἀποβλέψας; οὐχ ὅρᾳ τὴν πόλιν ἡμῶν ὥς διάκειται;" ἐγὼ
- 5 δέ, ὧ ἄνδρες, πολὺ τὴν ἐναντίαν τούτοις γνώμην ἔχω. ἀλλοθὶ τε 30 γὰρ ὦν πάντα τὰ ἀγαθὰ ἔχειν στερόμενος τῆς πατρίδος οὐκ ἂν δεξαίμην, τῆς πόλεως οὕτω διακειμένης ὥσπερ αὐτοὶ οἱ ἐχθροὶ

λέγουσι, πολὺ δ' ἂν αὐτῆς μᾶλλον ἐγὼ πολίτης δεξαίμην εἶναι ἢ ἐτέρων πόλεων, αἱ ἴσως πάνυ μοι δοκοῦσιν ἐν τῷ παρόντι εὐτυχεῖν. ἅπερ γινώσκων ἐπέτρεψα διαγινῶναι ὑμῖν περὶ τοῦ σώματος τοῦ ἑμαυτοῦ.

- 6 Αἰτοῦμαι οὖν ὑμᾶς, ὦ ἄνδρες, εὖνοιαν πλείω παρασχέσθαι 5
ἐμοὶ τῷ ἀπολογουμένῳ ἢ τοῖς κατηγοροῖς, εἰδότας ὅτι κἂν ἐξ ἴσου ἀκροᾷσθε, ἀνάγκη τὸν ἀπολογούμενον ἔλαττον ἔχειν. οἱ μὲν γὰρ ἐκ πολλοῦ χρόνου ἐπιβουλεύσαντες καὶ συνθέντες, αὐτοὶ ἄνευ κινδύνων ὄντες, τὴν κατηγορίαν ἐποιήσαντο· ἐγὼ δὲ μετὰ δέους καὶ κινδύνου καὶ διαβολῆς τῆς μεγίστης τὴν ἀπολογίαν ποιούμεμαι. 10
7 κατηγοροῖς. ἔτι δὲ καὶ τόδε ἐνθυμητέον, ὅτι πολλοὶ ἤδη πολλὰ καὶ δεινὰ κατηγορήσαντες παραχρῆμα ἐξηλέγχθησαν ψευδόμενοι οὕτω φανερώς ὥστε ὑμᾶς πολὺ ἂν ἥδιον δίκην λαβεῖν παρὰ τῶν κατηγορῶν ἢ παρὰ τῶν κατηγορουμένων· οἱ δὲ αὖ, μαρτυρήσαν- 15
τες τὰ ψευδῆ ἀδίκως ἀνθρώπους ἀπολέσαντες, ἐάλωσαν παρ' ὑμῖν ψευδομαρτυριῶν, ἥνικ' οὐδὲν ἦν ἔτι πλέον τοῖς πεπονθόσιν. ὁπότ' οὖν ἤδη πολλὰ τοιαῦτα γεγένηται, εἰκὸς ὑμᾶς ἔστι μήπω τοὺς τῶν κατηγορῶν λόγους πιστοὺς ἡγεῖσθαι. εἰ μὲν γὰρ δεινὰ κατηγορήται ἢ μή, οἷόν τε γινῶναι ἐκ τῶν τοῦ κατηγοροῦ 20
λόγων· εἰ δὲ ἀληθῆ ταῦτά ἐστιν ἢ ψευδῆ, οὐχ οἷόν τε ὑμᾶς πρότερον εἰδέναι πρὶν ἂν καὶ ἐμοῦ ἀκούσγητε ἀπολογουμένου.
- 8 Σκοπῶ μὲν οὖν ἔγωγε, ὦ ἄνδρες, πόθεν χρὴ ἄρξασθαι τῆς ἀπολογίας, πότερον ἐκ τῶν τελευταίων λόγων, ὡς παρανόμως 25
με ἐνέδειξαν, ἢ περὶ τοῦ ψηφίσματος τοῦ Ἰσοτιμίδου, ὡς ἄκυρόν ἐστιν, ἢ περὶ τῶν νόμων καὶ τῶν ὁρκῶν τῶν γεγενημένων, εἴτε καὶ ἐξ ἀρχῆς ὑμᾶς διδάξω τὰ γεγενημένα. ὁ δὲ με ποιεῖ μάλιστ' ἀπορεῖν, ἐγὼ ὑμῖν ἐρῶ, ὅτι οὐ πάντες ἴσως ἐπὶ πᾶσι τοῖς κατηγορουμένοις ὁμοίως ὀργίζεσθε, ἀλλ' ἕκαστός τι ὑμῶν ἔχει πρὸς ὁ βούλοιοτο ἂν με πρῶτον ἀπολογεῖσθαι· ἅμα δὲ περὶ πάντων εἰπεῖν 30
ἀδύνατον. κράτιστον οὖν μοι εἶναι δοκεῖ ἐξ ἀρχῆς ὑμᾶς διδάσκειν πάντα τὰ γενόμενα καὶ παραλιπεῖν μηδέν. ἂν γὰρ ὁρθῶς μάθητε τὰ πραχθέντα, ῥαδίως γνώσεσθ' ὅ μιν κατεψεύσαντο οἱ κατήγγοροι.
- 9 τὰ μὲν οὖν δίκαια γινώσκειν ὑμᾶς ἡγοῦμαι καὶ αὐτοὺς παρεσκευάσθαι, οἷοιπερ ἐγὼ πιστεύσας ὑπέμεινα, ὅρῳ ὑμᾶς καὶ ἐν 35
τοῖς ἰδίῳις καὶ ἐν τοῖς δημοσίῳις περὶ πλείστον τοῦτο ποιουμένους, ψηφίζεσθαι κατὰ τοὺς ὁρκούς (ὅπερ καὶ συνέχει μόνον τὴν πόλιν, ἀκόντων τῶν οὐ βουλομένων ταῦτα οὕτως ἔχειν)· τάδε δὲ

3 γινώσκων ap.: γινώσκω
γένηται Dobree: γεγένηνται

13 ἐξηλέγχθησαν ap.: ἐξειλέχθησαν
34 αὐτοὺς Empirius: λόγους

18 γε

- ὑμῶν δέομαι, μετ' εὐνοίας μου τὴν ἀκρόασιν τῆς ἀπολογίας ποιήσασθαι, καὶ μήτε μοι ἀντιδίκους καταστῆναι μήτε ὑπονοεῖν τὰ λεγόμενα μήτε ῥήματα θηρεύειν, ἀκροασαμένους δὲ διὰ τέλους τῆς ἀπολογίας τότε ἤδη ψηφίζεσθαι τοῦτο ὃ τι ἂν ὑμῖν
- 10** αὐτοῖς ἄριστον καὶ εὐορκότατον νομίζετε εἶναι. ὥσπερ δὲ καὶ 5
προεῖπον ὑμῖν, ὦ ἄνδρες, ἐξ ἀρχῆς περὶ πάντων ποιήσομαι τὴν ἀπολογίαν, πρῶτον μὲν περὶ αὐτῆς τῆς αἰτίας ὅθεν περ ἡ ἔνδειξις ἐγένετο, διόπερ εἰς τὸν ἀγῶνα τόνδε κατέστην, περὶ τῶν μυστηρίων ὡς οὗτ' ἐμοὶ ἡσέβηται οὐδὲν οὔτε μεμήνυται οὐθ' ὡμολόγηται, οὗτ' οἶδα τοὺς μηνύσαντας ὑμῖν περὶ αὐτῶν οὗτ' εἰ 10
ψευδῇ οὗτ' εἰ ἀληθῇ ἐμήνυσαν· ταῦθ' ὑμᾶς διδάξω.
- 11** *Ὦν μὲν γὰρ ἐκκλησία τοῖς στρατηγοῖς τοῖς εἰς Σικελίαν, Νικίᾳ καὶ Λαμάχῳ καὶ Ἀλκιβιάδῃ, καὶ τριήρης ἡ στρατηγὶς ἤδη ἐξώρμει ἡ Λαμάχου· ἀναστὰς δὲ Πυθόνικος ἐν τῷ δήμῳ εἶπεν· “ὦ Ἀθηναῖοι, ὑμεῖς μὲν στρατιὰν ἐκπέμπετε καὶ παρα- 15
σκευὴν τοσαύτην, καὶ κίνδυνον ἀρεῖσθαι μέλλετε· Ἀλκιβιάδην δὲ τὸν στρατηγὸν ἀποδείξω ὑμῖν τὰ μυστήρια ποιοῦντα ἐν οἰκίᾳ μεθ' ἐτέρων, καὶ ἐὰν ψηφίσῃσθε ἄδειαν <ῶ> ἐγὼ κελεύω, θεράπων ὑμῖν ἐνός τῶν ἐνθάδε ἀνδρῶν ἀμύητος ὧν ἐρεῖ τὰ μυστήρια· εἰ δὲ μή, χρῆσθε ἐμοὶ ὃ τι ἂν ὑμῖν δοκῇ, ἐὰν μὴ τάλῃθ' ἰλέγω.” 20
- 12** ἀντιλέγοντος δὲ Ἀλκιβιάδου πολλὰ καὶ ἐξάρνου ὄντος, ἔδοξε τοῖς πρυτάνεσι τοὺς μὲν ἀμύητους μεταστήσασθαι, αὐτοὺς δ' ἰέναι ἐπὶ τὸ μεῖράκιον ὃ ὁ Πυθόνικος ἐκέλευε. καὶ ὥχοντο, καὶ ἡγαγον θεράποντα Ἀλκιβιάδου [πολέμαρχον]· Ἀνδρόμαχος αὐτῷ ὄνομα ἦν. ἐπεὶ δὲ ἐψηφίσαντο αὐτῷ τὴν ἄδειαν, ἔλεγεν ὅτι ἐν τῇ οἰκίᾳ 25
τῇ Πουλυτίωνος γίγνοιτο μυστήρια· Ἀλκιβιάδην μὲν οὖν καὶ Νικίδην καὶ Μέλῃτον, τούτους μὲν αὐτοὺς εἶναι τοὺς ποιοῦντας, συμπαρεῖναι δὲ καὶ δρᾶν τὰ γινόμενα καὶ ἄλλους, παρεῖναι δὲ καὶ δούλους, ἑαυτὸν τε καὶ τὸν ἀδελφὸν καὶ Ἰκέσιον τὸν αὐλητὴν
- 13** καὶ τὸν Μελῃτον δοῦλον. πρῶτος μὲν οὗτος ταῦτα ἐμήνυσεν, καὶ 30
ἀπέγραψε τούτους· ὧν Πολύστρατος μὲν συνελήφθη καὶ ἀπέθανεν, οἱ δὲ ἄλλοι φεύγοντες ὥχοντο, καὶ αὐτῶν ὑμεῖς θάνατον κατέγνωτε. καὶ μοι λαβὲ καὶ ἀνάγνωθι αὐτῶν τὰ ὀνόματα.

ONOMATA. Τούσδε Ἀνδρόμαχος ἐμήνυσεν· Ἀλκιβιάδην, 35
Νικίδην, Μέλῃτον, Ἀρχεβιάδην, Ἀρχιππον, Διογένην,
Πολύστρατον, Ἀριστομένη, Οἰωνίαν, Παναίτιον.

2 μήτε μοι Blass: μήτ' ἐμοὶ
αἰρεῖσθαι 18 ἐταίρων Hatzfeld
27 et 36 Νικίδην Meritt: νικιάδην

8 τόνδε ap.: δὲ
ῶ add. Bekker
37 Οἰωνίαν Kirchhoff: ἰωνίαν

16 ἀρεῖσθαι Bekker:

24 πολέμαρχον delevi

- 14 Πρώτη μὲν, ὦ ἄνδρες, μήνυσις ἐγένετο αὕτη ὑπὸ Ἀνδρομάχου κατὰ τούτων τῶν ἀνδρῶν. καί μοι κάλει Διόγνητον. ἦσθα ζητητής, ὦ Διόγνητε, ὅτε Πυθόνικος εἰσήγγειλεν ἐν τῷ δήμῳ περὶ Ἀλκιβιάδου;

*Ην.

Οἶσθα οὖν μηνύσαντα Ἀνδρόμαχον τὰ ἐν τῇ οἰκίᾳ τῇ Πουλυντίας γιγνόμενα;

Οἶδα.

Τὰ ὀνόματα οὖν τῶν ἀνδρῶν ἐστί ταῦτα, καθ' ὧν ἐκείνος ἐμήνυσεν;

*Εστί ταῦτα.

- 15 Δευτέρα τοῖνυν μήνυσις ἐγένετο. Τεύκρος ἦν ἐνθάδε μέτοικος, ὃς ὥχeto Μέγαράδε ὑπεξελθὼν, ἐκεῖθεν δὲ ἐπαγγέλλεται τῇ βουλῇ, εἰ οἱ ἄδειαν δοῖεν, μηνύσειν περὶ τῶν μυστηρίων, συνεργὸς ὧν, καὶ τοὺς ἄλλους τοὺς ποιοῦντας μεθ' ἑαυτοῦ, καὶ περὶ τῶν Ἑρμῶν τῆς περικοπῆς ἃ ἦδει. ψηφισαμένης δὲ τῆς βουλῆς (ἦν γὰρ αὐτοκράτωρ) ὥχοντο ἐπ' αὐτὸν Μέγαράδε· καὶ κομισθεῖς, ἄδειαν εὐρόμενος, ἀπογράφει τοὺς μεθ' ἑαυτοῦ. καὶ οἱ κατὰ τὴν Τεύκρου μήνυσιν ὥχοντο φεύγοντες. καί μοι λαβὲ καὶ ἀνάγνωθι τὰ ὀνόματα αὐτῶν.

ONOMATA. Τοῦσδε Τεύκρος ἐμήνυσε· Φαῖδρον, Γνιφω-
νίδην, Ἰσόνομον, Ἡφαιστόδωρον, Κηφιστόδωρον, ἑαυτὸν,
Διόγνητον, Σμινδυρίδην, Φιλοκράτην, Ἀντιφῶντα, Τείσαρ-
χον, Παντακλέα.

Μέμνησθε δέ, ὦ ἄνδρες, ὅτι καὶ ταῦθ' ὑμῖν προσομολογεῖται ἅπαντα.

- 16 Τρίτη μήνυσις ἐγένετο. ἡ γυνὴ Ἀλκμεωνίδου, γενομένη δὲ καὶ Δάμωνος (Ἀγαρίστη ὄνομα αὐτῇ), αὕτη ἐμήνυσεν ἐν τῇ οἰκίᾳ τῇ Χαρμίδου τῇ παρὰ τὸ Ὀλυμπιεῖον μυστήρια ποιεῖν Ἀλκιβιάδην καὶ Ἀξίochon καὶ Ἀδείμαντον· καὶ ἔφυγον οὗτοι πάντες ἐπὶ ταύτῃ τῇ μηνύσει.
- 17 Ἔτι μήνυσις ἐγένετο μία. Λυδὸς ὁ Φερεκλέους τοῦ Θημακῆος ἐμήνυσεν μυστήρια γίνεσθαι ἐν τῇ οἰκίᾳ Φερεκλέους τοῦ δεσπότη τοῦ ἑαυτοῦ ἐν Θημακῷ· καὶ ἀπογράφει τοὺς τε ἄλλους, καὶ τὸν πατέρα ἔφη τὸν ἐμὸν παρεῖναι μὲν, καθεύδειν δὲ ἐγκεκαλυμμένον. Σπείσιππος δὲ βουλευὼν παραδίδωσιν αὐτοὺς τῷ δικαστηρίῳ. καῖπειτα ὁ πατὴρ καταστήσας ἐγγυητὰς ἐγράψατο τὸν Σπείσιππον

23 Τείσαρχον Blass: τίσαρχον
29 Ὀλυμπιεῖον Reiske: ὀλύμπιον
γον Blass: ἔφευγον

27 Ἀλκμεωνίδου Blass: ἀλκμαιωνίδου
30 Ἀδείμαντον Ald.: ἀδείμαντον ἔφυ-

- παρανόμων, καὶ ἡγωνίσατο ἐν ἑξακισχιλίοις Ἀθηναίων, καὶ μετέλαβε δικαστῶν τοσούτων οὐδὲ διακοσίας ψήφους ὁ Σπεύσιππος. ὁ δὲ πείσας καὶ δεόμενος μείναι τὸν πατέρα ἐγὼ ἦν μάλιστα,
- 18 εἴτα δὲ καὶ οἱ ἄλλοι συγγενεῖς. καὶ μοι κάλει Καλλίαν καὶ Στέφανον. κάλει δὲ καὶ Φίλιππον καὶ Ἀλέξιππον· οὗτοι γάρ 5 εἰσιν Ἀκουμενοῦ καὶ Αὐτοκράτορος συγγενεῖς, οἱ ἔφυγον ἐπὶ τῇ Λυδοῦ μηνύσει· τοῦ μὲν ἀδελφίδου ἐστὶν Αὐτοκράτωρ, τοῦ δὲ θεῖος Ἀκουμενός· οἷς προσήκει μισεῖν μὲν τὸν ἐξελάσαντα ἐκείνους, εἰδέναι δὲ μάλιστα δι' ὄντινα ἔφυγον. βλέπετε εἰς τούτους, καὶ μαρτυρεῖτε εἰ ἀληθῆ λέγω. 10

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- 19 Τὰ μὲν γενόμενα ἠκούσατε, ὦ ἄνδρες, καὶ ὑμῖν οἱ μάρτυρες μεμαρτυρήκασιν· ἃ δὲ οἱ κατήγοροι ἐτόλμησαν εἰπεῖν, ἀναμνήσθητε. οὕτω γὰρ καὶ δίκαιον ἀπολογεῖσθαι, ἀναμνησκοντα τοὺς τῶν κατηγορῶν λόγους ἐξελέγχειν. ἔλεξαν γὰρ ὡς ἐγὼ μηνύσαιμι 15 περὶ τῶν μυστηρίων, ἀπογράψαιμί τε τὸν πατέρα τὸν ἐμαυτοῦ παρόντα, καὶ γενοίμην μηνυτῆς κατὰ τοῦ πατρὸς τοῦ ἐμαυτοῦ, λόγον οἶμαι πάντων δεινότατόν τε καὶ ἀνοσιώτατον λέγοντες. ὁ μὲν γὰρ ἀπογράφας αὐτὸν Λυδὸς ἦν ὁ Φερεκλέους, ὁ δὲ πείσας ὑπομείναι καὶ μὴ οἴχεσθαι φεύγοντα ἐγὼ, πολλὰ ἱκετεύσας καὶ 20 λαμβανόμενος τῶν γονάτων. καίτοι τί ἐβουλόμην, εἰ ἐμήνυσα μὲν κατὰ τοῦ πατρὸς, ὡς οὗτοί φασιν, ἱκέτευον δὲ τὸν πατέρα μέιναντά τι παθεῖν ὑπ' ἐμοῦ; καὶ ὁ πατὴρ ἐπέισθη ἀγῶνα τοιοῦτον ἀγωνίσασθαι, ἐν ᾧ δυοῖν τοῖν μεγίστοις κακοῖς οὐκ ἦν αὐτῷ ἁμαρτεῖν; ἢ γὰρ ἐμοῦ δόξαντος τὰ ὄντα μηνῦσαι κατ' ἐκείνου 25 ὑπ' ἐμοῦ ἀποθανεῖν, ἢ αὐτῷ σωθέντι ἐμέ ἀποκτείνειν. ὁ γὰρ νόμος οὕτως εἶχεν· εἰ μὲν τἀληθῆ μηνύσειέ τις, εἶναι τὴν ἀδειαν, εἰ δὲ τὰ ψευδῆ, τεθνάναι. καὶ μὲν δὴ τοῦτό γε ἐπίστασθε πάντες, ὅτι ἐσώθην καὶ ἐγὼ καὶ ὁ ἐμὸς πατήρ· οἶόν τε δ' οὐκ ἦν, εἴπερ ἐγὼ μηνυτῆς ἐγενόμην περὶ τοῦ πατρὸς, ἀλλ' ἢ ἐμέ ἢ ἐκείνον 30 21 ἔδει ἀποθανεῖν. φέρε δὴ τοῖνυν, εἰ καὶ ὁ πατὴρ ἐβούλετο ὑπομένειν, τοὺς φίλους ἂν οἴεσθε ἢ ἐπιτρέπειν αὐτῷ μένειν ἢ ἐγγυῆσασθαι, ἀλλ' οὐκ ἂν παραιτεῖσθαι καὶ δεῖσθαι ἀπιέναι ὅπου ἂν ἐμελλεν 22 αὐτὸς σωθῆσεσθαι ἐμέ τε οὐκ ἀπολεῖν; ἀλλὰ γὰρ καὶ ὅτε Σπεύσιππον ἐδίωκεν ὁ πατὴρ τῶν παρανόμων, αὐτὰ ταῦτα ἔλα- 3: γεν, ὡς οὐδεπώποτε ἔλθοι εἰς Θημακὸν ὡς Φερεκλέα· ἐκέλευε δὲ

6 et 9 ἔφυγον Blass: ἔφευγον

ἡμῖν

14 οὕτω Reiske: οὐ

36 ἔλθοι ap.: ἔλθῃ

12 γενόμενα Sluiter: γινόμενα ὑμῖν ap.:

ἀναμνησκοντα Reiske: ἀναμνησκοντας

- βασανίσαι τὰ ἀνδράποδα, καὶ μὴ τοὺς μὲν παραδιδόντας μὴ ἐθέλειν ἐλέγχειν, τοὺς δὲ μὴ θέλοντας ἀναγκάζειν. ταῦτα δὲ λέγοντος τοῦ πατρὸς τοῦ ἐμοῦ, ὡς ἅπαντες ἴστε, τί ὑπελείπετο τῷ Σπεύσιππῳ λέγειν, εἰ ἀληθὴ οἶδε λέγουσιν, ἀλλ' ἡ Ὡ Λεωγόρα, τί βούλει περὶ θεραπόντων λέγειν; οὐχ ὁ υἱὸς οὐτοσί 5 μεμῆνκε κατὰ σοῦ, καὶ φησὶ σε παρεῖναι ἐν Θημακῶ; ἔλεγχε σὺ τὸν πατέρα, ἢ οὐκ ἔστι σοι ἄδεια." ταυτὶ ἔλεγεν ἂν ὁ Σπεύσιππος,
- 23 ὦ ἄνδρες, ἢ οὐ; ἐγὼ μὲν οἶμαι. εἰ τοίνυν ἀνέβην ἐπὶ δικαστήριον, ἢ λόγος τις περὶ ἐμοῦ ἐγένετο, ἢ μήνυσίς τις ἐμὴ ἔστιν ἢ ἀπογραφὴ, μὴ ὅτι ἐμὴ καθ' ἑτέρου, ἀλλ' εἰ καὶ ἄλλου τινὸς κατ' ἐμοῦ, 10 ἐλεγχέτω με ὁ βουλόμενος ἐνταῦθα ἀναβάς. ἀλλὰ γὰρ λόγον ἀνοσιώτερον καὶ ἀπιστότερον οὐδένας πώποτ' ἐγὼ εἰπόντας οἶδα, οἱ τοῦτο μόνον ἡγήσαντο δεῖν, τολμήσαι κατηγορήσαι· εἰ
- 24 δ' ἐλεγχθήσονται ψευδόμενοι, οὐδὲν αὐτοῖς ἐμέλησεν. ὥσπερ οὖν, εἰ ἀληθὴ ἦν ταῦτα ἃ μου κατηγορήσαν, ἐμοὶ ἂν ὠργίξεσθε καὶ 15 ἡξιούτε δίκην τὴν μεγίστην ἐπιτιθέναι, οὕτως ἀξιώ ὑμᾶς, γιγνώσκοντας ὅτι ψεύδονται, πονηροὺς τε αὐτοὺς νομίζειν χρῆσθαι τε τεκμηρίῳ ὅτι εἰ τὰ δεινότερα τῶν κατηγορηθέντων περιφανῶς ἐλέγχονται ψευδόμενοι, ἢ που τά γε πολλῶ φαυλότερα ῥᾷδίως ὑμῖν ἀποδείξω ψευδομένους αὐτοὺς. 20
- 25 Αἱ μὲν μηνύσεις ὧδε περὶ τῶν μυστηρίων αὐται ἐγένοντο τέτταρες· οἱ δὲ ἔφυγον καθ' ἑκάστην μήνησιν, ἀνέγνων ὑμῖν τὰ ὀνόματα αὐτῶν, καὶ οἱ μάρτυρες μεμαρτυρήκασιν. ἔτι δὲ πρὸς τοῦτοις ἐγὼ πιστότητος ὑμῶν ἕνεκα, ὦ ἄνδρες, τάδε ποιήσω. τῶν γὰρ φυγόντων ἐπὶ τοῖς μυστηρίοις οἱ μὲν τινες ἀπέθανον 25 φεύγοντες, οἱ δ' ἤκουσιν καὶ εἰσιν ἐνθάδε καὶ πάρεσιν ὑπ' ἐμοῦ κεκλημένοι. ἐγὼ οὖν ἐν τῷ ἐμῷ λόγῳ δίδωμι τῷ βουλομένῳ ἐμὲ ἐξελέγχειν ὅτι ἔφυγέ τις αὐτῶν δι' ἐμὲ ἢ ἐμήνυσσα κατ' αὐτοῦ, ἢ οὐχ ἕκαστοι ἔφυγον κατὰ τὰς μηνύσεις ταύτας ἃς ἐγὼ ὑμῖν ἀπέδειξα. καὶ ἔάν τις ἐλέγξῃ με ὅτι ψεύδομαι, χρήσασθέ 30 μοι ὅ τι βούλεσθε. καὶ σιωπῶ καὶ παραχωρῶ, εἰ τις ἀναβαίνειν βούλεται.
- 27 Φέρε δὴ, ὦ ἄνδρες, μετὰ ταῦτα τί ἐγένετο; ἐπειδὴ αἱ μηνύσεις ἐγένοντο, περὶ τῶν μηνύτρων (ἦσαν γὰρ κατὰ τὸ Κλεωνύμου ψήφισμα χίλιαι δραχμαί, κατὰ δὲ τὸ Πεισάνδρου μύριαι) περὶ 35

5 Λεωγόρα Bekker: λεωγρ' 6 μεμῆνκε ap.: μεμῆνκε 9 ἔστιν ἢ Reiske: ἔστιν ἢ 12 ἀνοσιώτερον καὶ ἀπιστότερον Reiske: ἀνοσιώτατον καὶ ἀπιστότατον οὐδένας Reiske: οὐδένα εἰπόντα Lipsius 15 μου κατηγορήσαν Dobree: μ' ἐκατηγόρησαν 19 γε Bekker: γα 22 ἔφυγον Blass: ἔφευγον 25 φυγόντων Blass: φευγόντων ἐπὶ Reiske: ἐν 28 κατὰ του Sluiter 32 βούλεται Bekker: βούληται

δὲ τούτων ἡμφισβήτουν οὗτοί τε οἱ μηνύσαντες καὶ Πυθόνικος, φάσκων πρῶτος εἰσαγγεῖλαι, καὶ Ἀνδροκλῆς ὑπὲρ τῆς βουλῆς.
28 ἔδοξεν οὖν τῷ δήμῳ ἐν τῷ τῶν θεσμοθετῶν δικαστηρίῳ τοὺς μεμνημένους, ἀκούσαντας τὰς μηνύσεις ἃς ἕκαστος ἐμήνυσε, διαδικάσαι. καὶ ἐψηφίσαντο πρῶτῳ μὲν Ἀνδρομάχῳ, δευτέρῳ δὲ **5** Τεύκρῳ, καὶ ἔλαβον Παναθηναίων τῷ ἀγῶνι Ἀνδρόμαχος μὲν μυρίας δραχμάς, Τεῦκρος δὲ χιλίας. καὶ μοι κάλει τούτων τοὺς μάρτυρας.

ΜΑΡΤΥΡΕΣ

29 Περὶ μὲν τῶν μυστηρίων, ὦ ἄνδρες, ὧν εἵνεκα ἡ ἔνδειξις **10** ἐγένετο καὶ περὶ ὧν ὑμεῖς οἱ μεμνημένοι εἰσεληλύθατε, ἀποδέδεικται μοι ὥς οὔτε ἡσέβηκα οὔτε μεμήνυκα περὶ οὐδενὸς οὔτε ὠμολόγηκα περὶ αὐτῶν, οὐδὲ ἔστι μοι ἀμάρτημα περὶ τῷ θεῷ οὔτε μείζον οὐτ' ἔλαττον οὐδέν. ὅπερ ἐμοὶ περὶ πλείστου ἐστὶν ὑμᾶς πείσαι. καὶ γὰρ οἱ λόγοι τῶν κατηγορῶν— **15** ταῦτα τὰ δεινὰ καὶ φρικώδη ἀνωρθίαζον, καὶ λόγους εἶπον ὥς πρότερον ἐτέρων ἀμαρτόντων καὶ ἀσεβησάντων περὶ τῷ θεῷ, **30** οἷα ἕκαστος αὐτῶν ἔπαθε καὶ ἐτιμωρήθη—τούτων οὖν ἐμοὶ τῶν λόγων ἢ τῶν ἔργων τί προσήκει; ἐγὼ γὰρ πολὺ μᾶλλον ἐκείνων κατηγορῶ, καὶ δι' αὐτὸ τοῦτό φημι δεῖν ἐκείνους μὲν ἀπολέσθαι, **20** ὅτι ἡσέβησαν, ἐμὲ δὲ σῶζεσθαι, ὅτι οὐδὲν ἡμάρτηκα. ἡ δεινὸν γ' ἂν εἴη, εἰ ἐμοὶ ὀργίζοισθε ἐπὶ τοῖς ἐτέρων ἀμαρτήμασι, καὶ τὴν εἰς ἐμὲ διαβολὴν εἰδότες ὅτι ὑπὸ τῶν ἐχθρῶν τῶν ἐμῶν λέγεται, κρείττω τῆς ἀληθείας ἡγήσεσθε. δηλονότι γὰρ τοῖς μὲν ἡμαρτηκόσι τὰ τοιαῦτα ἀμαρτήματα οὐκ ἔστιν ἀπολογία ὥς οὐκ **25** ἐποίησαν (ἡ γὰρ βάσανος δεινὴ παρὰ τοῖς εἰδόσιν), ἐμοὶ δὲ ὁ ἔλεγχος ἡδιστος, ἐν οἷς ὑμῶν οὐδὲν με δεῖ δεόμενον οὐδὲ παραιτούμενον σωθῆναι ἐπὶ τοιαύτῃ αἰτίᾳ, ἀλλ' ἐλέγχοντα τοὺς **31** τῶν κατηγορῶν λόγους. καὶ ὑμᾶς ἀναμνησάμενοι τὰ γεγενημένα, οὔτινες ὄρκους μεγάλους ὁμόσαντες οἴσετε τὴν ψῆφον περὶ ἐμοῦ, καὶ ἀρασάμενοι τὰς μεγίστας ἀρὰς ὑμῖν τε αὐτοῖς καὶ παισὶ τοῖς ὑμετέροις αὐτῶν, ἡ μὴν ψηφιεῖσθαι περὶ ἐμοῦ τὰ δίκαια, πρὸς δὲ τούτοις μεμύησθε καὶ ἐοράκατε τοῖν θεοῖν τὰ **32** ἱερά, ἵνα τιμωρήσῃτε μὲν τοὺς ἀσεβοῦντας, σῶζῃτε δὲ τοὺς μηδὲν ἀδικούντας. νομίσατε τοίνυν ἀσέβημα οὐδὲν ἔλαττον εἶναι **35**

2 ὑπὲρ (τῆς εἰσαγγελίας εἰς) τὴν βουλὴν Albinus 4 μηνύσεις ap. : μνησεις
 12 μεμήνυκα ap. : μεμνήνυκα 28 (τῇ) τοιαύτῃ Weidner 33 ἐοράκατε
 Lipsius : ἐωράκατε

- τῶν μηδὲν ἡδικηκότων ἀσεβεῖν καταγνῶναι ἢ τοὺς ἡσεβηκότας
 μὴ τιμωρεῖσθαι. ὥστ' ἐγὼ ὑμῖν πολὺ μᾶλλον τῶν κατηγορῶν
 πρὸς τοῖν θεοῖν ἐπισκῆπτω, ὑπὲρ τε τῶν ἱερῶν ἃ εἴδετε, καὶ
 ὑπὲρ τῶν Ἑλλήνων οἱ τῆς ἐορτῆς ἕνεκεν ἔρχονται δεῦρο· εἰ μὲν
 τι ἡσέβηκα ἢ ὠμολόγηκα ἢ ἐμήνυσα κατὰ τινος ἀνθρώπων, 5
33 ἢ ἄλλος τις περὶ ἐμοῦ, ἀποκτείνάτέ με, οὐ παραιτοῦμαι· εἰ δὲ
 οὐδὲν ἡμάρτηταί μοι, καὶ τοῦτο ὑμῖν ἀποδείκνυμι σαφῶς, δέομαι
 ὑμῶν αὐτὸ φανερὸν τοῖς Ἑλλήσι πᾶσι ποιῆσαι, ὥς ἀδίκως εἰς
 τόνδε τὸν ἀγῶνα κατέστην. ἐὰν γὰρ μὴ μεταλάβῃ τὸ πέμπτον
 μέρος τῶν ψήφων καὶ ἀτιμωθῇ ὁ ἐνδείξας ἐμὲ Κηφίσιος οὗτος, 10
 οὐκ ἔξεστιν αὐτῷ εἰς τὸ ἱερὸν τοῖν θεοῖν εἰσιέναι, ἢ ἀποθανεῖται.
 εἰ οὖν ὑμῖν δοκῶ ἱκανῶς περὶ τούτων ἀπολελογῆσθαι, δηλώσατέ
 μοι, ἵνα προθυμότερον περὶ τῶν ἄλλων ἀπολογώμαι.
- 34** Περὶ δὲ τῶν ἀναθημάτων τῆς περικοπῆς καὶ τῆς μηνύσεως,
 ὥσπερ καὶ ὑπεσχόμην ὑμῖν, οὕτω καὶ ποιήσω· ἐξ ἀρχῆς γὰρ ὑμᾶς 15
 διδάξω ἅπαντα τὰ γεγενημένα. ἐπειδὴ Τεῦκρος ἦλθε Μεγαρόθεν
 ἄδειαν εὐρόμενος, μηνύει περὶ τῶν μυστηρίων ἃ ᾔδει καὶ τῶν
 περικοφάντων τὰ ἀναθήματα, καὶ ἀπογράφει δυοῖν δέοντας εἴκοσιν
 ἄνδρας. ἐπειδὴ δὲ οὗτοι ἀπεγράφησαν, οἱ μὲν αὐτῶν φεύγοντες
 ᾤχοντο, οἱ δὲ συλληφθέντες ἀπέθανον κατὰ τὴν Τεύκρου μήνυσιν. 20
 καὶ μοι ἀνάγνωθι αὐτῶν τὰ ὀνόματα.
- 35** ΟΝΟΜΑΤΑ. Τεῦκρος ἐπὶ τοῖς Ἑρμαῖς ἐμήνυσεν Εὐκτή-
 μονα, Γλαύκιππον, Εὐρύμαχον, Πολύευκτον, Πλάτωνα,
 Ἀντίδωρον, Χάριππον, Θεόδωρον, Ἀλκισθένην, Μενέ- 25
 στρατον, Ἐρυξίμαχον, Εὐφίλητον, Εὐρυδάμαντα, Φερε-
 κλέα, Μέλητον, Τιμάνθην, Ἀρχίδαμον, Τελένικον.
- Τούτων τοίνυν τῶν ἀνδρῶν οἱ μὲν ἤκουσι καὶ εἰσιν ἐνθάδε,
 τῶν δὲ ἀποθανόντων εἰσὶ πολλοὶ προσήκοντες· ὧν ὅστις βούλεται,
 ἐν τῷ ἐμῷ λόγῳ ἀναβάς με ἐλεγξάτω ἢ ὥς ἔφυγε τις δι' ἐμὲ
 τούτων τῶν ἀνδρῶν ἢ ὥς ἀπέθανεν. 30
- 36** Ἐπειδὴ δὲ ταῦτα ἐγένετο, Πείσανδρος καὶ Χαρικλῆς, ὄντες
 μὲν τῶν ζητητῶν, δοκοῦντες δ' ἐν ἐκείνῳ τῷ χρόνῳ εὐνοῦστατοι
 εἶναι τῷ δήμῳ, ἔλεγον ὥς εἴη τὰ ἔργα τὰ γεγενημένα οὐκ ὀλίγων
 ἀνδρῶν ἀλλ' ἐπὶ τῇ τοῦ δήμου καταλύσει, καὶ χρῆναι ἔτι ζητεῖν
 καὶ μὴ παύσασθαι. καὶ ἡ πόλις οὕτως διέκειτο, ὥστ' ἐπειδὴ τὴν 35
 βουλήν εἰς τὸ βουλευτήριον ὁ κῆρυξ ἀνείποι ἵνα καὶ τὸ σημεῖον
 καθέλοι, τῷ αὐτῷ σημείῳ ἢ μὲν βουλή εἰς τὸ βουλευτήριον

1 τῶν μηδὲν ἡδικηκότων Lipsius: τοὺς μηδὲν ἡδικηκότας 10 Κηφίσιος
 Stephanus: κηφήσιος 17 καὶ Ald.: ἐκ 25 Ἐρυξίμαχον Stephanus:
 εὐρυξίμαχον εὐρυδάμαντα ap.: εὐρυμάδαντα 36 ἀνείποι Schoemann: ἀνείπη

ἦει, οἱ δ' ἐκ τῆς ἀγορᾶς ἔφευγον, δεδιότες εἰς ἕκαστος μὴ συλληφθεῖη.

- 37 Ἐπαρθεῖς οὖν τοῖς τῆς πόλεως κακοῖς, εἰσαγγέλλει Διοκλείδης εἰς τὴν βουλήν, φάσκων εἶδέναι τοὺς περικόφαντας τοὺς Ἑρμᾶς, καὶ εἶναι αὐτοὺς εἰς τριακοσίους· ὥς δ' ἴδοι καὶ περιτύχοι τῷ 5 πράγματι, ἔλεγε. (καὶ τούτοις, ὧ ἄνδρες, δέομαι ὑμῶν προσέχοντας τὸν νοῦν ἀναμνησθεσθαι, ἂν ἀληθὴ λέγω, καὶ διδάσκειν ἀλλήλους· ἐν ὑμῖν γὰρ ἦσαν οἱ λόγοι, καὶ μοι ὑμεῖς τούτων
- 38 μάρτυρές ἐστε.) ἔφη γὰρ εἶναι μὲν ἀνδράποδόν οἱ ἐπὶ Λαυρείῳ, δεῖν δὲ κομίσασθαι ἀποφοράν. ἀναστὰς δὲ πρῶ ψευστῆς 10 τῆς ὥρας βαδίζειν· εἶναι δὲ πανσέληνον. ἐπεὶ δὲ παρὰ τὸ προπύλαιον τοῦ Διονύσου ἦν, ὁρᾷ ἀνθρώπους πολλοὺς ἀπὸ τοῦ Ὀιδείου καταβαίνοντας εἰς τὴν ὀρχήστραν· δείσας δὲ αὐτοὺς, εἰσελθὼν ὑπὸ τὴν σκιὰν καθέζεσθαι μετὰ τοῦ κίονος καὶ τῆς στήλης ἐφ' ἧ ὁ στρατηγός ἐστιν ὁ χαλκοῦς. ὁρᾷ δὲ ἀνθρώπους τὸν 15 <μὲν> ἀριθμὸν <μάλιστα> τριακοσίους, ἐστάναι δὲ κύκλῳ ἀνὰ πέντε καὶ δέκα ἄνδρας, τοὺς δὲ ἀνὰ εἴκοσιν· ὁρῶν δὲ αὐτῶν πρὸς
- 39 τὴν σελήνην τὰ πρόσωπα τῶν πλείστων γινώσκειν. (καὶ πρῶτον μὲν, ὧ ἄνδρες, τοῦθ' ὑπέθετο—δεινότατον πρᾶγμα, οἶμαι—ὅπως ἐν ἐκείνῳ εἴη ὄντινα βούλοιο Ἀθηναίων φάναι τῶν ἀνδρῶν 20 τούτων εἶναι, ὄντινα δὲ μὴ βούλοιο, λέγειν ὅτι οὐκ ἦν.) ἰδὼν δὲ ταῦτ' ἔφη ἐπὶ Λαύρειον ἰέναι, καὶ τῇ ὑστεραίᾳ ἀκούειν ὅτι οἱ Ἑρμαὶ εἰεν περικεκομμένοι· γινῶναι οὖν εὐθὺς ὅτι τούτων
- 40 εἴη τῶν ἀνδρῶν τὸ ἔργον. ἦκων δὲ εἰς ἄστου ζητητάς τε ἡδη ἡρημένους καταλαμβάνειν καὶ μήνυτρα κεκηρυγμένα ἑκάτον 25 μῶας. ἰδὼν δὲ Εὐφημον τὸν Καλλίου τοῦ Τηλοκλέους ἀδελφὸν ἐν τῷ χαλκίῳ καθήμενον, ἀναγαγὼν αὐτὸν εἰς τὸ Ἑφαιστεῖον λέγειν ἅπερ ὑμῖν ἐγὼ εἴρηκα, ὥς ἴδοι ἡμᾶς ἐν ἐκείνῃ τῇ νυκτί· οὐκ οὖν δέοιτο παρὰ τῆς πόλεως χρήματα λαβεῖν μᾶλλον ἢ παρ' ἡμῶν, ὥσθ' ἡμᾶς ἔχειν φίλους. εἰπεῖν οὖν τὸν Εὐφημον ὅτι 30 καλῶς ποιήσειεν εἰπῶν, καὶ νῦν ἦκειν κελευθαί οἱ εἰς τὴν Λεωγόρου οἰκίαν, “ἵνα ἐκεῖ συγγένῃ μετ' ἐμοῦ Ἀνδοκίδῃ καὶ
- 41 ἐτέροις οἷς δεῖ”. ἦκειν ἔφη τῇ ὑστεραίᾳ καὶ δὴ κόπτειν τὴν θύραν· τὸν δὲ πατέρα τὸν ἐμὸν τυχεῖν ἐξιώντα, καὶ εἰπεῖν αὐτόν· “Ἄρά γε σὲ οἷδε περιμένονσι; χρὴ μέντοι μὴ ἀπωθεῖσθαι 35 τοιούτους φίλους.” εἰπόντα δὲ αὐτὸν ταῦτα οἴχεσθαι. (καὶ τούτῳ

1 ἔφευγον Baiter: ἔφυγον 3 Διοκλείδης Ald.: διό καὶ δις 9 Λαυρείῳ
Ald.: λαυρίῳ 10 πρῶ Bekker: πρωί 14 του Lipsius: τοῦ
16 μὲν et μάλιστα add. Sluiter e Galeno 22 Λαύρειον Lipsius: λαυρία
26 Τηλοκλέους Kirchner: τηλεκλέους 28 ἡμᾶς Ald.: ὑμᾶς

- μὲν τῷ τρόπῳ τὸν πατέρα μου ἀπώλλυε, συνειδότα ἀποφαίνων.)
 εἰπεῖν δὲ ἡμᾶς ὅτι δεδογμένον ἡμῖν εἴη δύο μὲν τάλαντα ἀργυρίου
 διδόναι οἱ ἀντὶ τῶν ἑκατὸν μνῶν τῶν ἐκ τοῦ δημοσίου, ἂν δὲ
 κατὰσχωμεν ἡμεῖς ἂ βουλόμεθα, ἓνα αὐτὸν ἡμῶν εἶναι, πίστιν δὲ
 42 τούτων δοῦναί τε καὶ δέξασθαι. ἀποκρίνασθαι δὲ αὐτὸς πρὸς 5
 ταῦτα ὅτι βουλευέσσοιτο· ἡμᾶς δὲ κελεύειν αὐτὸν ἥκειν εἰς Καλλίου
 τοῦ Τηλοκλέους ἵνα κἀκεῖνος παρείη. (τὸν δ' αὖ κηδεστήν μου
 οὕτως ἀπώλλυνεν.) ἥκειν ἔφη εἰς Καλλίου, καὶ καθομολογήσας ἡμῖν
 πίστιν δοῦναι ἐν ἀκροπόλει, καὶ ἡμᾶς συνθεμένους οἱ τὸ ἀργύριον
 εἰς τὸν εἰσιόντα μῆνα δώσειν διαψεύδεσθαι καὶ οὐ διδόναι· ἥκειν 10
 οὖν μηνύσων τὰ γενόμενα.
- 43 Ἡ μὲν εἰσαγγελία αὐτῷ, ὦ ἄνδρες, τοιαύτη· ἀπογράφει δὲ
 τὰ ὀνόματα τῶν ἀνδρῶν ὧν ἔφη γινῶναι, δύο καὶ τεττα-
 ράκοντα, πρώτους μὲν Μαντίθεον καὶ Ἀψεφίωνα, βουλευτὰς 15
 ὄντας καὶ καθημένους ἔνδον, εἴτα δὲ καὶ τοὺς ἄλλους. ἀναστὰς
 δὲ Πείσανδρος ἔφη χρῆναι λύειν τὸ ἐπὶ Σκαμανδρίου ψήφισμα καὶ
 ἀναβιβάζειν ἐπὶ τὸν τροχὸν τοὺς ἀπογραφέντας, ὅπως μὴ πρότερον
 νῦξ ἔσται πρὶν πυθέσθαι τοὺς ἀνδρας ἅπαντας. ἀνέκραγεν ἡ
 44 βουλή ὡς εὖ λέγει. ἀκούσαντες δὲ ταῦτα Μαντίθεος καὶ Ἀψεφίων 20
 ἐπὶ τὴν ἐστίαν ἐκαθέζοντο, ἰκετεύοντες μὴ στρεβλωθῆναι ἄλλ'
 ἐγγυηθέντες κριθῆναι. μόλις δὲ τούτων τυχόντες, ἐπειδὴ τοὺς
 ἐγγυητὰς κατέστησαν, ἐπὶ τοὺς ἵππους ἀναβάντες ὥχοντο εἰς τοὺς
 πολεμίους αὐτομολήσαντες, καταλιπόντες τοὺς ἐγγυητὰς, οὓς
 45 ἔδει <ἐν> τοῖς αὐτοῖς ἐνέχεσθαι ἐν οἷσπερ οὓς ἠγγυήσαντο. ἡ δὲ 25
 βουλή ἐξελθοῦσα ἐν ἀπορρήτῳ συνέλαβεν ἡμᾶς καὶ ἔδησεν ἐν τοῖς
 ξύλοις. ἀνακαλέσαντες δὲ τοὺς στρατηγούς ἀνειπεῖν ἐκέλευσαν
 Ἀθηναίων τοὺς μὲν ἐν ἄστει οἰκοῦντας ἰέναι εἰς τὴν ἀγορὰν τὰ
 ὄπλα λαβόντας, τοὺς δ' ἐν μακρῷ τείχει εἰς τὸ Θησεῖον, τοὺς δ'
 ἐν Πειραιεὶ εἰς τὴν Ἴπποδαμείαν ἀγορὰν, τοὺς δὲ ἱππέας ἔτι
 30 νυκτὸς σημῆναι τῇ σάλπιγγι ἥκειν εἰς τὸ Ἀνάκειον, τὴν δὲ
 βουλὴν εἰς ἀκρόπολιν ἰέναι κἀκεῖ καθεύδειν, τοὺς δὲ πρυτάνεις
 ἐν τῇ θόλῳ. Βοιωτοὶ δὲ πεπυσμένοι τὰ πράγματα ἐπὶ τοῖς
 ὀρίοις ἦσαν ἐξεστρατευμένοι. τὸν δὲ τῶν κακῶν τούτων αἴτιον
 Διοκλείδην ὡς σωτήρα ὄντα τῆς πόλεως ἐπὶ ζεύγους ἦγον εἰς τὸ
 πρυτανεῖον στεφανώσαντες, καὶ ἐδείπνει ἐκεῖ. 35
- 46 Πρῶτον μὲν οὖν ταῦτα, ὦ ἄνδρες, ὅποσοι ὑμῶν παρήσαν
 4 βουλόμεθα ἀρ.: βουλόμεθα αὐτὸν Reiske: αὐτῶν 7 Τηλοκλέους
 Kirchner: τηλεκλέους 12 αὐτῷ Reiske: αὐτῶν 21 ἐξεγγυηθέντες
 Sluiter: ἐξεγγυηθέντας 24 ἐν add. Weidner 28 εἰς τὸ Reiske:
 εἰς τε 29 Ἴπποδαμείαν Lobeck: ἱπποδαμίαν ἱππέας Jebb: ἱππεῖς
 35 στεφανώσαντες Bekker: στεφανώσαντες

ἀναμνησέσκεθε καὶ τοὺς ἄλλους διδάσκετε· εἴτα δέ μοι τοὺς πρυτάνεις κάλει τοὺς τότε πρυτανεύσαντας, Φιλοκράτη καὶ τοὺς ἄλλους. διδάσκετε.

ΜΑΡΤΥΡΕΣ

- 47 Φέρε δὴ, καὶ τὰ ὀνόματα ὑμῖν ἀναγνώσομαι τῶν ἀνδρῶν ὧν 5
ἀπέγραψεν, ἵν' εἰδῆτε ὅσους μοι τῶν συγγενῶν ἀπώλλυεν,
πρῶτον μὲν τὸν πατέρα, εἴτα δὲ τὸν κηδεστήν, τὸν μὲν συνειδότα
ἀποδεικνύς, τοῦ δ' ἐν τῇ οἰκίᾳ φάσκων τὴν σύνοδον γενέσθαι·
τῶν δ' ἄλλων ἀκούσεσθε τὰ ὀνόματα. καὶ αὐτοῖς ἀναγίνωσκε.

Χαρμίδης Ἀριστοτέλους.

10

Οὗτος ἀνεψιὸς ἐμός· ἡ μήτηρ ἐκείνου καὶ ὁ πατὴρ ὁ ἐμὸς
ἀδελφοί.

Ταυρέας.

Οὗτοσὶ ἀνεψιὸς τοῦ πατρός.

Νισαῖος.

15

Υἱὸς Ταυρέου.

Καλλίας ὁ Ἀλκμέωνος.

Ἀνεψιὸς τοῦ πατρός.

Εὐφημος.

Καλλίου τοῦ Τηλοκλέους ἀδελφός.

20

Φρύνιχος ὁ ὀρχησάμενος.

Ἀνεψιός.

Εὐκράτης.

Ὁ Νικίου ἀδελφός· κηδεστής οὗτος Καλλίου.

Κριτίας.

25

Ἀνεψιὸς [Εὐκρατίας ὁ Νικίου ἀδελφός] καὶ οὗτος τοῦ πατρός·
αἱ μητέρες ἀδελφαί. τούτους πάντας ἐν τοῖς τετταράκοντα
ἀνδράσιν ἀπέγραψεν.

- 48 Ἐπειδὴ δὲ ἐδεδέμεθα πάντες ἐν τῷ αὐτῷ, καὶ νύξ τε ἦν καὶ τὸ
δεσμωτήριον συνεκέκλητο, ἤκον δὲ τῷ μὲν μήτηρ, τῷ δὲ ἀδελφή, 30
τῷ δὲ γυνὴ καὶ παῖδες, ἦν δὲ βοή καὶ οἶκτος κλαιόντων καὶ
ὀδυρομένων τὰ παρόντα κακά, λέγει πρὸς με Χαρμίδης, ὧν μὲν
ἀνεψιός, ἡλικιώτης δὲ καὶ συνεκτραφεὶς ἐν τῇ οἰκίᾳ τῇ ἡμετέρᾳ
49 ἐκ παιδός, ὅτι “Ἀνδοκίδη, τῶν μὲν παρόντων κακῶν ὄρᾳς τὸ
μέγεθος, ἐγὼ δ' ἐν μὲν τῷ παρελθόντι χρόνῳ οὐδὲν ἐδεόμην 35

3 διδάσκετε del. Muretus 11 <ῆ> ἐκείνου Bekker 17 Ἀλκμέωνος
Blass: ἄλκμαίονος 20 Τηλοκλέους Kirchner: τηλεκλέους 21 Φρύνιχος
Ald.: φρίνικος 23 interpunxit Maidment 26 Εὐκρατίας ὁ Νικίου
ἀδελφός del. Reiske 28 ἀπέγραψεν Stephanus: ἐπέγραψεν 30 συνε-
κέκλητο Sauppe: συνεκέλειστο

- λέγειν οὐδέ σε λυπεῖν, νῦν δὲ ἀναγκάζομαι διὰ τὴν παρούσαν
 ἡμῖν συμφορὰν. οἷς γὰρ ἔχρῳ καὶ οἷς συνησθα ἄνεν ἡμῶν τῶν
 συγγενῶν, οὗτοι ἐπὶ ταῖς αἰτίαις δι' αἷς ἡμεῖς ἀπολλύμεθα οἱ μὲν
 αὐτῶν τεθνήσκειν, οἱ δὲ οἴχονται φεύγοντες, σφῶν αὐτῶν κατα-
 50 γνόντες ἀδικεῖν εἰ ἤκουσάς τι τούτου τοῦ πράγματος 5
 τοῦ γενομένου, εἶπέ, καὶ πρῶτον μὲν σεαυτὸν σώσον, εἴτα δὲ τὸν
 πατέρα, ὃν εἰκὸς ἐστὶ σε μάλιστα φιλεῖν, εἴτα δὲ τὸν κηδεστήν,
 ὃς ἔχει σου τὴν ἀδελφὴν ἥπερ σοι μόνη ἐστίν, ἔπειτα δὲ τοὺς
 ἄλλους συγγενεῖς καὶ ἀναγκαίους τοσοῦτους ὄντας, ἔτι δὲ ἐμέ, ὃς
 ἐν ἅπαντι τῷ βίῳ ἠνίασα μὲν σε οὐδὲν πώποτε, προθυμότητος 10
 δὲ εἰς σέ καὶ τὰ σὰ πράγματά εἰμι, ὅ τι ἂν δέῃ ποιεῖν.”
- 51 Λέγοντος δέ, ὦ ἄνδρες, Χαρμοῖδου ταῦτα, ἀντιβολούντων δὲ
 τῶν ἄλλων καὶ ἱκετεύοντος ἐνὸς ἐκάστου, ἐνεθυμήθην πρὸς
 ἑμαυτόν· “ὦ πάντων ἐγὼ δεινотάτῃ συμφορᾷ περιπεσών, πότερα
 περιδῶ τοὺς ἑμαντοῦ συγγενεῖς ἀπολλυμένους ἀδίκως, καὶ 15
 αὐτοὺς τε ἀποθανόντας καὶ τὰ χρήματα αὐτῶν δημευθέντα, πρὸς
 δὲ τούτοις ἀναγραφέντας ἐν στήλαις ὡς ὄντας ἀλιτηρίους τῶν
 θεῶν τοὺς οὐδενὸς αἰτίους τῶν γεγενημένων, ἔτι δὲ τριακοσίου
 Ἀθηναίων μέλλοντας ἀδίκως ἀπολέσθαι, τὴν δὲ πόλιν ἐν κακοῖς
 οὖσαν τοῖς μεγίστοις καὶ ὑποψίαν εἰς ἀλλήλους ἔχοντας, ἥ 20
 εἶπω Ἀθηναίοις ἅπερ ἤκουσα Εὐφιλῆτου αὐτοῦ τοῦ ποιήσαντος;”
- 52 ἔτι δὲ ἐπὶ τούτοις καὶ τότε ἐνεθυμήθην, ὦ ἄνδρες, καὶ ἐλογιζόμην
 πρὸς ἑμαυτόν τοὺς ἐξημαρτηκότας καὶ τὸ ἔργον εἰργασμένους,
 ὅτι οἱ μὲν αὐτῶν ἤδη ἐτεθνήκεσαν ὑπὸ Τεύκρου μηνυθέντες, οἱ
 δὲ φεύγοντες ὥχοντο καὶ αὐτῶν θάνατος κατέγνωστο, τέτταρες 25
 δὲ ἦσαν ὑπόλοιποι οἱ οὐκ ἐμνηνύθησαν ὑπὸ Τεύκρου τῶν πεποιη-
 53 κόντων, Παναίτιος, Χαιρέδημος, Διάκριτος, Λυσίστρατος· οὗς
 εἰκὸς ἦν ἀπάντων μάλιστα δοκεῖν εἶναι τούτων τῶν ἀνδρῶν οὗς
 ἐμήνυσε Διοκλείδης, φίλους ὄντας τῶν ἀπολωλότων ἤδη. καὶ τοῖς
 μὲν οὐδέπω βέβαιος ἦν ἡ σωτηρία, τοῖς δὲ ἐμοῖς οἰκείοις φανερὸς 30
 <ὁ> ὄλεθρος, εἰ μὴ τις ἐρεῖ Ἀθηναίοις τὰ γενόμενα. ἐδόκει οὖν
 μοι κρεῖττον εἶναι τέτταρας ἀνδρας ἀποστερηῆσαι τῆς πατρίδος
 δικαίως, οἱ νῦν ζῶσι καὶ κατεληλύθασιν καὶ ἔχουσι τὰ σφέτερα
 αὐτῶν, ἢ ἐκείνους ἀποθανόντας ἀδίκως περιδεῖν.
- 54 Εἰ οὖν τιτι ὑμῶν, ὦ ἄνδρες, τῶν ἄλλων πολιτῶν γνώμη 35
 τοιαύτη παρεισθίηται πρότερον περὶ ἐμοῦ, ὥς ἄρα ἐγὼ ἐμήνυσσα
 κατὰ τῶν ἐταίρων τῶν ἑμαντοῦ, ὅπως ἐκείνοι μὲν ἀπόλοιτο,
 ἐγὼ δὲ σωθείην (ἃ ἐλογοποιοῦν οἱ ἐχθροὶ περὶ ἐμοῦ βουλόμενοι

5 post. ἀδικεῖν lacuna

11 δέη Bekker: δέοι

17 ἀλιτηρίους ap.:

ἀλιτρίους

31 ὁ add. Reiske

- 55 διαβάλλειν με), σκοπεῖσθε ἐξ αὐτῶν τῶν γεγενημένων. νῦν γὰρ ἐμέ
 μὲν λόγον δεῖ δοῦναι τῶν ἐμοὶ πεπραγμένων μετὰ τῆς ἀληθείας,
 αὐτῶν παρόντων οἵπερ ἡμαρτον καὶ ἔφυγον ταῦτα ποιήσαντες,
 ἴσασι δὲ ἄριστα εἶτε ψεύδομαι εἶτε ἀληθῆ λέγω (ἕξεσι δὲ αὐτοῖς
 ἐλέγχειν με ἐν τῷ ἐμῷ λόγῳ, ἐγὼ γὰρ ἐφίημι). ὑμᾶς δὲ δεῖ μαθεῖν 5
- 56 τὰ γενόμενα (ἐμοὶ γάρ, ὦ ἄνδρες, τοῦδε τοῦ ἀγῶνος τοῦτ' ἔστι
 μέγιστον, σωθέντι μὴ δοκεῖν κακῶ εἶναι), εἴτα δὲ καὶ τοὺς
 ἄλλους ἅπαντας μαθεῖν ὅτι οὔτε μετὰ κακίας οὔτε μετ' ἀνανδρίας
 οὐδεμιᾶς τῶν γεγενημένων πέπρακται ὑπ' ἐμοῦ οὐδέν, ἀλλὰ διὰ
 συμφορὰν γεγενημένην μάλιστα μὲν τῇ πόλει, εἴτα <δὲ> καὶ 10
 ἡμῖν, εἶπον δὲ ἃ ἤκουσα Εὐφιλήτου προνοία μὲν τῶν συγγενῶν
 καὶ τῶν φίλων, προνοία δὲ τῆς πόλεως ἀπάσης, μετ' ἀρετῆς ἀλλ'
 οὐ μετὰ κακίας, ὡς ἐγὼ νομίζω. εἰ οὖν οὕτως ἔχει ταῦτα,
 σῶζεσθαι τε ἀξιώ καὶ δοκεῖν ὑμῖν εἶναι μὴ κακός.
- 57 Φέρε δὴ (χρὴ γάρ, ὦ ἄνδρες, ἀνθρωπίνως περὶ τῶν πραγμάτων 15
 ἐκλογίζεσθαι, ὥσπερ ἂν αὐτὸν ὄντα ἐν τῇ συμφορᾷ), τί ἂν ὑμῶν
 ἕκαστος ἐποίησεν; εἰ μὲν γὰρ ἦν †δυσὶ† τὸ ἕτερον ἐλέσθαι, ἢ
 καλῶς ἀπολέσθαι ἢ αἰσχροῦς σωθῆναι, ἔχοι ἂν τις εἰπεῖν κακίαν
 εἶναι τὰ γενόμενα (καίτοι πολλοὶ ἂν καὶ τοῦτο εἰλοντο, τὸ ζῆν
- 58 περὶ πλείονος ποιησάμενοι τοῦ καλῶς ἀποθανεῖν). ὅπου δὲ τούτων 20
 τὸ ἐναντιώτατον ἦν, σιωπήσαντι μὲν αὐτῷ τε αἰσχιστὰ ἀπολέσθαι
 μηδὲν ἀσεβήσαντι, ἔτι δὲ τὸν πατέρα περιδεῖν ἀπολόμενον καὶ τὸν
 κηδεστήν καὶ τοὺς συγγενεῖς καὶ ἀνεψίους τοσοῦτους, οὓς οὐδεὶς
 ἄλλος ἀπώλλυνεν ἢ ἐγὼ μὴ εἰπὼν ὡς ἕτεροι ἡμαρτον (Διοκλείδης μὲν
 γὰρ ψευσάμενος ἔδρασε αὐτούς, σωτηρία δὲ αὐτῶν ἄλλη οὐδεμία 25
 ἦν ἢ πυθέσθαι Ἀθηναίους πάντα τὰ πραχθέντα· φονεὺς οὖν αὐτῶν
 ἐγγινόμεν ἐγὼ μὴ εἰπὼν ὑμῖν ἃ ἤκουσα)—ἔτι δὲ τριακοσίους
 Ἀθηναίων ἀπώλλυνον, καὶ ἡ πόλις ἐν κακοῖς τοῖς μεγίστοις ἐγγίνετο·
- 59 ταῦτα μὲν οὖν ἦν ἐμοῦ μὴ εἰπόντος. εἰπὼν δὲ τὰ ὄντα αὐτός τε 30
 ἐσωζόμην καὶ τὸν πατέρα ἔσωζον καὶ τοὺς ἄλλους συγγενεῖς,
 καὶ τὴν πόλιν ἐκ φόβου καὶ κακῶν τῶν μεγίστων ἀπήλλαττον·
 φυγάδες δὲ δι' ἐμέ τέτταρες ἄνδρες ἐγίνοντο, οἵπερ καὶ ἡμαρτον·
 τῶν δ' ἄλλων, οἱ [λοιποὶ] πρότερον ὑπὸ Τεύκρου ἐμηνύθησαν,
 οὔτε δήπου οἱ τεθνεώτες δι' ἐμέ μᾶλλον ἐτέθνασαν οὔτε οἱ
- 60 φεύγοντες μᾶλλον ἔφευγον. ταῦτα δὲ πάντα σκοπῶν εὗρισκον, ὦ 35
 ἄνδρες, τῶν παρόντων κακῶν ταῦτα ἐλάχιστα εἶναι, εἰπεῖν τὰ
 γενόμενα ὡς τάχιστα, καὶ ἐλέγξαι Διοκλείδην ψευσάμενον, καὶ

2 δεῖ δοῦναι Dobree: διδάναι
 γεγόμενα 10 δὲ Reiske: lacuna
 33 λοιποὶ del. Dobree

4-7 sic interpunxi: punctum post
 19 γεγόμενα Reiske: λεγόμενα

τιμωρήσασθαι ἐκείνον, ὃς ἡμᾶς μὲν ἀπώλλυεν ἀδίκως, τὴν δὲ πόλιν ἐξηπάτα, ταῦτα δὲ ποιῶν μέγιστος εὐεργέτης ἐδόκει εἶναι καὶ χρήματα ἐλάμβανε.

- 61 Διὰ ταῦτα εἶπον τῇ βουλῇ ὅτι εἰδείην τοὺς ποιήσαντας, καὶ ἐξέδειξα τὰ γενόμενα, ὅτι εἰσηγήσατο μὲν πινόντων ἡμῶν ταύτην 5 τὴν βουλὴν [γενέσθαι] Εὐφίλητος, ἀντείπον δὲ ἐγώ, καὶ τότε μὲν οὐ γένοιτο δι' ἐμέ. ὕστερον δ' ἐγώ μὲν ἐν Κυνοσάργει ἐπὶ πωλίον ὃ μοι ἦν ἀναβάς ἔπεσον καὶ τὴν κλεῖν συνετρίβην καὶ τὴν κεφαλὴν κατεάγην, φερόμενός τε ἐπὶ κλίνης ἀπεκομίσθην οἴκαδε.
- 62 αἰσθόμενος δ' Εὐφίλητος ὡς ἔχοιμι, λέγει πρὸς αὐτοὺς ὅτι 10 πέπεισμαι ταῦτα συμποιεῖν καὶ ὠμολόγηκα αὐτῷ μεθέξειν τοῦ ἔργου καὶ περικόψειν τὸν Ἑρμῆν τὸν παρὰ τὸ Φορβαντεῖον. ταῦτα δ' ἔλεγεν ἑξαπατῶν ἐκείνους· καὶ διὰ ταῦτα ὁ Ἑρμῆς ὃν ὄρατε πάντες, ὁ παρὰ τὴν πατρῴαν οἰκίαν τὴν ἡμετέραν, ὃν ἡ Αἰγῆις ἀνέθηκεν, οὐ περιεκόπη μόνος τῶν Ἑρμῶν τῶν Ἀθήνησιν, 15
- 63 ὡς ἐμοῦ τοῦτο ποιήσαντος, ὡς ἔφη πρὸς αὐτοὺς Εὐφίλητος. οἱ δ' αἰσθόμενοι δεινὰ ἐποιοῦν, ὅτι εἰδείην μὲν τὸ πρᾶγμα, πεποικῶς δὲ οὐκ εἶην. προσελθόντες δέ μοι τῇ ὕστεραίᾳ Μέλητος καὶ Εὐφίλητος ἔλεγον ὅτι "Γεγένηται, ὦ Ἄνδοκίδη, καὶ πέπρακται ἡμῖν ταῦτα. σὺ μέντοι εἰ μὲν ἀξιοῖς ἡσυχίαν ἔχειν καὶ σιωπᾶν, 20 ἔξεις ἡμᾶς ἐπιτηδεῖους ὥσπερ καὶ πρότερον· εἰ δὲ μή, χαλεπώτεροί σοι ἡμεῖς ἔχθροί ἐσόμεθα ἢ ἄλλοι τινὲς δι' ἡμᾶς φίλοι."
- 64 εἶπον αὐτοῖς ὅτι νομίζοιμι μὲν διὰ τὸ πρᾶγμα Εὐφίλητον πο- νηρὸν εἶναι, ἐκείνοις δὲ οὐκ ἐμὲ δεινὸν εἶναι ὅτι οἶδα, ἀλλὰ μᾶλλον αὐτὸ τὸ ἔργον πολλῷ ὅτι πεποίηται. 25
- Ὡς οὖν ἦν ταῦτ' ἀληθὲς, τὸν τε παῖδα τὸν ἐμὸν παρέδωκα βασιάνισαι, ὅτι ἔκαμνον καὶ οὐδ' ἀνιστάμεν ἐκ τῆς κλίνης, καὶ τὰς θεραπαίνας ἔλαβον οἱ πρυτάνεις, ὅθεν ὀρμώμενοι ταῦτ'
- 65 ἐποιοῦν ἐκείνοι. ἐξελέγχοντες δὲ τὸ πρᾶγμα ἥ τε βουλὴ καὶ οἱ ζητηταί, ἐπειδὴ ἦν ἡ ἐγὼ ἔλεγον καὶ ὠμολογεῖτο πανταχόθεν, 30 τότε δὴ καλοῦσι τὸν Διοκλεῖδην· καὶ οὐ πολλῶν λόγων ἐδέησεν, ἀλλ' εὐθύς ὠμολογεῖ ψεύδεσθαι καὶ ἐδεῖτο σῶξασθαι φράσας τοὺς πείσαντας αὐτὸν λέγειν ταῦτα· εἶναι δὲ Ἀλκιβιάδην τὸν Φηγοῦσιον
- 66 καὶ Ἀμῖαντον τὸν ἐξ Αἰγῆνης. καὶ οὗτοι μὲν δείσαντες ᾤχοντο φεύγοντες· ὑμεῖς δὲ ἀκούσαντες ταῦτα Διοκλεῖδην μὲν τῷ 35 δικαστηρίῳ παραδόντες ἀπεκτείνετε, τοὺς δὲ δεδεμένους καὶ μέλλοντας ἀπολείσθαι ἐλύσατε, τοὺς ἐμοὺς συγγενεῖς, δι' ἐμέ,

- καὶ τοὺς φεύγοντας κατεδέξασθε, αὐτοὶ δὲ λαβόντες τὰ ὅπλα
67 ἀπῆγτε πολλῶν κακῶν καὶ κινδύνων ἀπαλλαγέντες. ἐν οἷς ἐγώ,
 ὦ ἄνδρες, τῆς μὲν τύχης ἢ ἐχρησάμην δικαίως ἂν ὑπὸ πάντων
 ἐλεσθείην, τῶν δὲ γενομένων ἕνεκεν εἰκότως (ἂν) ἀνὴρ ἄριστος
 δοκοίην εἶναι, ὅστις εἰσηγησάμενός μὲν Εὐφιλήτῳ πίστιν τῶν 5
 ἐν ἀνθρώποις ἀπιστοτάτην ἠναντιώθη καὶ ἀντείπον καὶ
 ἐλοιδόρησα ἐκείνον ὃν ἦν ἄξιος, ἁμαρτόντων δ' ἐκείνων τὴν
 ἁμαρτίαν αὐτοῖς συνέκρυψα, καὶ μηνύσαντος κατ' αὐτῶν Τεύκρου
 οἱ μὲν αὐτῶν ἀπέθανον, οἱ δὲ ἔφυγον, πρὶν ἡμᾶς ὑπὸ Διοκλείδου
 δεθῆναι καὶ μέλλειν ἀπολεῖσθαι. τότε δὲ ἀπέγραψα τέτταρας 10
68 ἄνδρας, Παναίτιον, Διάκριτον, Λυσίστρατον, Χαιρέδημον· οὗτοι
 μὲν ἔφυγον δι' ἐμέ, ὁμολογῶ· ἐσώθη δέ γε ὁ πατήρ, ὁ κηδεστής,
 ἀνεψιοὶ τρεῖς, τῶν ἄλλων συγγενῶν ἑπτὰ, μέλλοντες ἀποθανεῖσθαι
 ἀδίκως, οἱ νῦν ὁρῶσι τοῦ ἡλίου τὸ φῶς δι' ἐμέ, καὶ αὐτοὶ
 ὁμολογοῦσιν· ὁ δὲ τὴν πόλιν ὅλην συνταράξας καὶ εἰς τοὺς 15
 ἐσχάτους κινδύνους καταστήσας ἐξηλέγχθη· ὑμεῖς δὲ ἀπηλ-
 λάγητε μεγάλων φόβων καὶ τῶν εἰς ἀλλήλους ὑποψιῶν.
69 Καὶ ταῦτ' εἰ ἀληθὴ λέγω, ὦ ἄνδρες, ἀναμνησέσθε, καὶ οἱ
 ἰδόντες διδάσκετε τοὺς ἄλλους. σὺ δέ μοι αὐτοὺς κάλει τοὺς
 λυθέντας δι' ἐμέ· ἄριστα γὰρ ἂν εἰδότες τὰ γενόμενα λέγοιεν 20
 εἰς τούτους. οὕτωςι δὲ ἔχει, ὦ ἄνδρες· μέχρι τούτου ἀναβήσονται
 καὶ λέξουσιν ὑμῖν, ἕως ἂν ἀκροᾶσθαι βούλησθε, ἔπειτα δ' ἐγὼ
 περὶ τῶν ἄλλων ἀπολογήσομαι.

〈ΜΑΡΤΥΡΕΣ〉

- 70** Περὶ μὲν οὖν τῶν τότε γενομένων ἀκηκόατε πάντα καὶ 25
 ἀπολελόγηταί μοι ἱκανῶς (ὥς γ' ἐμαντὸν πείθω· εἰ δέ τίς τι
 ὑμῶν ποθεῖ ἢ νομίζει τι μὴ ἱκανῶς εἰρησθαι ἢ παραλέλοιπά τι,
 ἀναστὰς ὑπομνησάτω, καὶ ἀπολογήσομαι καὶ πρὸς τοῦτο)· περὶ
 δὲ τῶν νόμων ἤδη ὑμᾶς διδάξω.
71 Κηφίσιος γὰρ οὗτοσι ἐνέδειξε μὲν με κατὰ τὸν νόμον τὸν 30
 κείμενον, τὴν δὲ κατηγορίαν ποιεῖται κατὰ ψήφισμα πρότερον
 γεγόμενον ὃ εἶπεν Ἰσοτιμίδης, οὗ ἐμοὶ προσήκει οὐδέν. ὁ μὲν γὰρ
 εἶπεν εἴργεσθαι τῶν ἱερῶν τοὺς ἀσεβήσαντας καὶ ὁμολογήσαν-
 τας, ἐμοὶ δὲ τούτων οὐδέτερα πεποιήται· οὔτε ἡσέβηται οὔτε

2 ἀπῆγτε Weidner: ἀπήγτε 4 γενομένων Baiter: γενομένων ἂν add.
 Reiske 7 ἐκείνον Naber: ἐκείνω 13 ἀνεψιός εἰς Elter ἑπτὰ:
 πέντε Sluiter 16 ἐξηλέγχθη ap.: ἐξηλέγχη 24 ΜΑΡΤΥΡΕΣ add.
 Markland 32 Ἰσοτιμίδης οὗ Reiske: εἰς ὅτι μὴδ' ἴσου

- 72 ὡμολόγηται. ὡς δὲ καὶ τοῦτο τὸ ψήφισμα λέλυται καὶ ἄκρυν
 ἐστίν, ἐγὼ ὑμᾶς διδάξω. καίτοιγε τοιαύτην ἀπολογίαν περὶ αὐτοῦ
 ποιήσομαι, ὅπου μὴ πείθων μὲν ὑμᾶς αὐτὸς ζημιώσομαι, πείσας
 δὲ ὑπὲρ τῶν ἐχθρῶν ἀπολελογημένος ἔσομαι. ἀλλὰ γὰρ τάληθῇ
 εἰρήσεται. 5
- 73 Ἐπεὶ γὰρ αἱ νῆες διεφθάρσαν καὶ ἡ πολιορκία ἐγένετο,
 ἐβουλεύσασθε περὶ ὁμονοίας, καὶ ἔδοξεν ὑμῖν τοὺς ἀτίμους
 ἐπιτίμους ποιῆσαι, καὶ εἶπε τὴν γνώμην Πατροκλείδης. οἱ δὲ
 ἄτιμοι τίνες ἦσαν καὶ τίνα τρόπον ἕκαστοι; ἐγὼ ὑμᾶς διδάξω.
 οἱ μὲν ἀργύριον ὀφείλοντες τῷ δημοσίῳ, ὅποσοι εὐθύνας ὥφλον 10
 ἄρξαντες ἀρχάς, ἡ ἐξούλας ἡ γραφάς ἡ ἐπιβολὰς ὥφλον, ἡ ὠνάς
 πριάμενοι ἐκ τοῦ δημοσίου μὴ κατέβαλον τὰ χρήματα, ἡ ἐγγύας
 ἡγγυήσαντο πρὸς τὸ δημόσιον (τούτοις ἡ μὲν ἑκτισις ἦν ἐπὶ
 τῆς ἐνάτης πρυτανείας· εἰ δὲ μή, διπλάσιον ὀφείλειν καὶ τὰ
- 74 κτήματα αὐτῶν πεπραῖσθαι), (ὅποσοι δ' αὖ κλοπῆς ἢ δώρων 15
 ὀφλοῖεν (τούτους ἔδει καὶ αὐτοὺς καὶ τοὺς ἐκ τούτων ἀτίμους
 εἶναι)). εἰς μὲν τρόπος οὗτος ἀτιμίας ἦν· ἕτερος δὲ ὢν τὰ μὲν
 σώματα ἄτιμα ἦν, τὴν δ' οὐσίαν εἶχον καὶ ἐκέκτηντο. οὗτοι
 [δ' αὖ] ἦσαν [ὅποσοι κλοπῆς ἢ δώρων ὀφλοῖεν (τούτους ἔδει καὶ
 αὐτοὺς καὶ τοὺς ἐκ τούτων ἀτίμους εἶναι), καὶ] ὅποσοι λίποιεν 20
 τὴν τάξιν ἢ ἀστρατείας ἢ δειλίας ἢ ἀναυμαχίου ὀφλοῖεν ἢ τὴν
 ἀσπίδα ἀποβάλοιν, ἢ τρεῖς ψευδομαρτυριῶν ἢ τρεῖς ψευδοκλητείας
 ὀφλοῖεν, ἢ τοὺς γονέας κακῶς ποιοῖεν· οὗτοι πάντες ἄτιμοι ἦσαν
- 75 τὰ σώματα, τὰ δὲ χρήματα εἶχον. ἄλλοι αὖ κατὰ προστάξεις,
 οἵτινες οὐ παντάπασιν ἄτιμοι ἦσαν ἀλλὰ μέρος τι αὐτῶν, οἷον 25
 οἱ στρατιῶται, οἷς, ὅτι ἐπέμειναν ἐπὶ τῶν τυράννων ἐν τῇ πόλει,
 τὰ μὲν ἄλλα ἦν ἅπερ τοῖς ἄλλοις πολίταις, εἰπεῖν δ' ἐν τῷ
 δήμῳ οὐκ ἔξην αὐτοῖς οὐδὲ βουλευσαι. τούτων ἦσαν οὗτοι
- 76 ἄτιμοι· αὕτη γὰρ ἦν τούτοις πρόσταξις. ἑτέροις οὐκ ἦν γράψασθαι,
 τοῖς δὲ ἐνδείξαι· τοῖς δὲ μὴ ἀναπλεῦσαι εἰς Ἑλλησποντον, 30
 ἄλλοις δ' εἰς Ἰωνίαν, τοῖς δ' εἰς τὴν ἀγορὰν μὴ εἰσιέναι πρόσταξις
 ἦν. ταῦτ' οὖν ἐψηφίσασθε ἐξαλείψαι πάντα τὰ ψηφίσματα, καὶ
 αὐτὰ καὶ εἰ πού τι ἀντίγραφον ἦν, καὶ πιστὴν ἀλλήλοις περὶ
 ὁμονοίας δοῦναι ἐν ἀκροπόλει. καὶ μοι ἀνάγνωθι τὸ ψήφισμα τὸ
 Πατροκλείδου καθ' ὃ ταῦτα ἐγένετο. 35

10 ὥφλον Reiske: ὥφειλον

11 ἄρξαντες Ald.: ἄρξαντας

ἐπιβολὰς

Stephanus: ἐπιβουλὰς 13 ἡγγυήσαντο Stephanus: ἐγγυήσαντο 15 ὅποσοι

κλοπῆς . . . ἀτίμους εἶναι ex 19 transtulit Paoli 8' αὖ transtuli 17 τὰ

μὲν Ald.: μὲν τὰ 18 εἶχον Bekker: ἔσχον 21 ἀναυμαχίου Suda:

ναυμαχίου 22 ψευδοκλητείας Sauppe: ψευδοκλητίας 25 αὐτῶν

Lipsius: αὐτῶν 27 δ' ἐν Ald.: δὲ

- 77 ΨΗΦΙΣΜΑ. Πατροκλείδης εἶπεν· ἐπειδὴ ἐψηφίσαντο Ἀθη-
ναῖοι τὴν ἄδειαν περὶ <τῶν ἀτίμων καὶ> τῶν ὀφειλόντων
ᾧστε λέγειν ἐξεῖναι καὶ ἐψηφίζεῖν, ψηφίσασθαι τὸν
δῆμον ταῦτα ἅπερ ὅτε ἦν τὰ Μηδικά, καὶ συνήνεγκεν
Ἀθηναῖοις ἐπὶ τὸ ἄμεινον. περὶ δὲ τῶν ἐπιγεγραμμένων 5
εἰς τοὺς πράκτορας ἢ τοὺς ταμίας τῆς θεοῦ καὶ τῶν
ἄλλων θεῶν ἢ τὸν βασιλέα (ἢ εἴ τις μὴ ἐξεγράφη) μέχρι
78 τῆς ἐξελεύσεως βουλῆς ἐφ' ἧς Καλλίας ἦρχεν, ὅσοι ἀτιμοὶ
ἦσαν ἢ ὀφείλοντες, καὶ ὅσων εὐθυναὶ τινές εἰσι κατε-
γνωσμένοι ἐν τοῖς λογιστηρίοις ὑπὸ τῶν εὐθύνων καὶ 10
τῶν παρέδρων, ἢ μήπω εἰσηγμένοι εἰς τὸ δικαστήριον
γραφαὶ τινές εἰσι περὶ τῶν εὐθυνῶν, ἢ προστάξεις
ἢ ἐγγυαὶ τινές εἰσι κατεγνωσμένοι, εἰς τὸν αὐτὸν
τοῦτον χρόνον, καὶ ὅσα ὀνόματα τῶν τετρακοσίων
τινὸς ἐγγέγραπται, ἢ ἄλλο τι περὶ τῶν ἐν τῇ ὀλιγαρχίᾳ 15
πραχθέντων ἐστὶ που γεγραμμένον—πλὴν ὅποσα ἐν στή-
λαις γέγραπται τῶν μὴ ἐνθάδε μεινάντων ἢ <οἷς, ἢ> ἐξ
Ἀρείου πάγου ἢ τῶν ἐφετῶν ἢ ἐκ πρυτανείου ἢ Δελφινίου
δικασθεῖσιν ὑπὸ τῶν βασιλέων, ἢ ἐπὶ φόνῳ τίς ἐστι φυγὴ
79 ἢ θάνατος κατεγνώσθη ἢ σφαγεῦσιν ἢ τυράννοις—τὰ δὲ 20
ἄλλα πάντα ἐξαλείφει τοὺς πράκτορας καὶ τὴν βουλὴν,
καὶ τὰ εἰρημένα πανταχόθεν, ὅπου τι ἔστιν ἐν τῷ δημο-
σίῳ, καὶ εἰ ἀντίγραφόν που ἔστι, παρέχειν τοὺς θεσμοθέτας
καὶ τὰς ἄλλας ἀρχάς. ποιεῖν δὲ ταῦτα τριῶν ἡμερῶν,
ἐπειδὴν δόξῃ τῷ δήμῳ. ἂ δ' εἴρηται ἐξαλείφει, μὴ κεκτῇ- 25
σθαι ἰδίᾳ μηδενὶ ἐξεῖναι μηδὲ μνησικακῆσαι μηδέποτε· εἰ
δὲ μή, ἔνοχον εἶναι τὸν παραβαίνοντα ταῦτα ἐν τοῖς αὐτοῖς
ἐν οἷσπερ οἱ ἐξ Ἀρείου πάγου φεύγοντες, ὅπως ἂν ὡς
πιστότατα ἔχῃ Ἀθηναῖοις καὶ νῦν καὶ εἰς τὸν λοιπὸν
30 χρόνον.
- 30 Κατὰ μὲν τὸ ψήφισμα τοῦτ' τοὺς ἀτίμους ἐπιτίμους ἐποιήσατε·
τοὺς δὲ φεύγοντας οὔτε Πατροκλείδης εἶπε κατιέναι οὐθ' ὑμεῖς
ἐψηφίσασθε. ἐπεὶ δ' αἱ σπονδαὶ πρὸς Λακεδαιμονίους ἐγένοντο, καὶ
τὰ τεῖχη καθείλετε, καὶ τοὺς φεύγοντας κατεδέξασθε, καὶ κατέ-
στησαν οἱ τριάκοντα, καὶ μετὰ ταῦτα Φυλὴ τε κατελήφθη Μουνυ- 35
χίαν τε κατέλαβον, ἐγένετο ὑμῖν ὧν ἐγὼ οὐδὲν δέομαι μεμνησθαι
- 81 οὐδ' ἀναμνησκείν ὑμᾶς τῶν γεγενημένων κακῶν. ἐπειδὴ δ'

2 τῶν ἀτίμων καὶ add. Sauppe
ap.: ὅσον 10 καὶ Boeckh: ἢ
19 δικασθεῖσιν Lipsius: ἐδικάσθη ἢ

4 ταῦτα Boeckh: ταῦτα 9 ὅσων
17 οἷς add. Lipsius, ἢ addidi
29 ἔχῃ G. Hermann: ἔχει

- ἐπανήλθετε ἐκ Πειραιέως, γενόμενον ἐφ' ὑμῖν τιμωρεῖσθαι, ἔγνωτε ἑάν τὰ γεγενημένα, καὶ περὶ πλείονος ἐποιήσασθε σῶξεν τὴν πόλιν ἢ τὰς ἰδίας τιμωρίας, καὶ ἔδοξε μὴ μνησικακεῖν ἀλλήλοις τῶν γεγενημένων. δόξαντα δὲ ὑμῖν ταῦτα, εἴλεσθε ἄνδρας εἴκοσι· τούτους δὲ ἐπιμελεῖσθαι τῆς πόλεως, ἕως ἄλλοι νόμοι τεθεῖεν· τῶς δὲ χρῆσθαι τοῖς Σόλωνος νόμοις καὶ τοῖς
- 82 Δράκοντος θεσμοῖς. ἐπειδὴ δὲ βουλὴν τε ἀπεκληρώσατε νομοθέτας τε εἴλεσθε, εὗρισκον τῶν νόμων τῶν τε Σόλωνος καὶ τῶν Δράκοντος πολλοὺς ὄντας οἷς πολλοὶ τῶν [τῶν] πολιτῶν ἔνοχοι ἦσαν τῶν πρότερον ἕνεκα γενομένων. ἐκκλησίαν ποιήσαντες ἐβουλευσάσθε περὶ αὐτῶν, καὶ ἐψηφίσασθε, δοκιμάσαντες πάντας τοὺς νόμους, εἴτ' ἀναγράψαι ἐν τῇ στοᾷ τούτους τῶν νόμων οἱ ἂν δοκιμασθῶσι. καὶ μοι ἀνάγνωθι τὸ ψήφισμα.
- 83 <ΨΗΦΙΣΜΑ.> Ἐδοξε τῷ δήμῳ, Τεισαμενὸς εἶπε· πολιτεύεσθαι Ἀθηναίους κατὰ τὰ πάτρια, νόμοις δὲ χρῆσθαι τοῖς Σόλωνος καὶ μέτροις καὶ σταθμοῖς, χρῆσθαι δὲ καὶ τοῖς Δράκοντος θεσμοῖς, ὡς περ ἐχρώμεθα ἐν τῷ πρόσθεν χρόνῳ. ὁπόσων δ' ἂν προσδῇ, †οἷδε† ἡρημένοι νομοθέται ὑπὸ τῆς βουλῆς ἀναγραφέντας ἐν σανίσι ἐκτιθέντων πρὸς τοὺς ἐπωνύμους σκοπεῖν τῷ βουλομένῳ, καὶ παραδιδόντων ταῖς ἀρχαῖς ἐν τῷδε τῷ μηνί. τοὺς δὲ παραδιδόμενους νόμους δοκιμασάτω πρότερον ἢ βουλή καὶ οἱ νομοθέται οἱ πεντακόσιοι, οὓς οἱ δημόται εἰλοντο, ἐπειδὴν ὁμωμόκωσιν· ἐξεῖναι δὲ καὶ ἰδιώτῃ τῷ βουλομένῳ εἰσιόντι εἰς τὴν βουλὴν συμβουλευεῖν ὃ τι ἂν ἀγαθὸν ἔχη περὶ τῶν νόμων. ἐπειδὴν δὲ τεθῶσιν οἱ νόμοι, ἐπιμελείσθω ἢ βουλή ἢ ἐξ Ἀρείου πάγου τῶν νόμων, ὅπως ἂν αἱ ἀρχαὶ τοῖς κειμένοις νόμοις χρῶνται. τοὺς δὲ κυρουμένους τῶν νόμων ἀναγράφειν εἰς τὸν τοίχον, ἵνα περ πρότερον ἀνεγράψαν, σκοπεῖν τῷ βουλομένῳ.
- 84 85 Ἐδοκιμάσθησαν μὲν οὖν οἱ νόμοι, ὧ ἄνδρες, κατὰ τὸ ψήφισμα τουτί, τοὺς δὲ κυρωθέντας ἀνέγραψαν εἰς τὴν στοάν. ἐπειδὴ ἀνεγράψαν, ἐθέμεθα νόμον, ὧ πάντες χρῆσθε. καὶ μοι ἀνάγνωθι τὸν νόμον.

ΝΟΜΟΣ. Ἀγράφῳ δὲ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι μηδὲ περὶ ἐνός.

5 ἄλλοι Stahl: ἂν οἱ 9 καὶ τῶν ap.: καὶ τοῦ τῶν tertium om.
ap. 10 γενομένων Reiske: γινομένων 12 νόμους ap.: ἀνόμους
14 ΨΗΦΙΣΜΑ add. Ald. Τεισαμενός Blass: τισάμενος 18 προσδῇ Bekker:
προσδέοι 19 ἀναγραφέντας Naber: ἀναγράφοντας 23 δημόται ap.: δη-
μῶται ἐπειδὴν ὁμωμόκωσιν Dobree: ἐπειδὴ ὁμωμόκωσιν 33 πάντως Sluiter

- 86 Ἄρα γε ἔστιν οὕτως ὃ τι περιελείπετο περὶ οὗτου οἰόν τε ἡ ἀρχὴν εἰσάγειν ἢ ὑμῶν πρᾶξαί τι, ἀλλ' ἡ κατὰ τοὺς ἀναγεγραμμένους νόμους; ὅπου οὖν δὴ ἀγράφῳ νόμῳ οὐκ ἔξεστι χρήσασθαι, ἡ που [ἀν] ἀγράφῳ γε ψηφίσματι παντάπασιν οὐ δεῖ γε 5 χρήσασθαι. ἐπεὶ δὲ τοίνυν ἐωρῶμεν ὅτι πολλοῖς τῶν πολιτῶν εἶεν συμφοραί, τοῖς μὲν κατὰ νόμους, τοῖς δὲ κατὰ ψηφίσματα τὰ πρότερον γενομένα, τουτουσὶ τοὺς νόμους ἐθέμεθα, αὐτῶν εἵνεκα τῶν νυνὶ ποιουμένων, ἵνα τούτων μηδὲν γίγνηται μηδὲ ἐξῇ συκοφαντεῖν μηδενί. καὶ μοι ἀνάγνωθι τοὺς νόμους.
- 87 ΝΟΜΟΙ. Ἀγράφῳ δὲ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι μηδὲ 10 περὶ ἐνός. ψήφισμα δὲ μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι. μηδὲ ἐπ' ἀνδρὶ νόμον ἐξεῖναι θεῖναι, εἰ μὴ τὸν αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις, εἰ μὴ ἐξακισχυλίους δόξῃ κρύβδην ψηφίζομένοις.
- Τί οὖν ἦν ἐπίλοιπον; οὕτοσ' ὁ νόμος. καὶ μοι ἀνάγνωθι 15 τοῦτον.
- 〈ΝΟΜΟΣ〉. Τὰς δὲ δίκας καὶ τὰς διαίτας κυρίας εἶναι, ὅποσαι ἐν δημοκρατουμένῃ τῇ πόλει ἐγένοντο· τοῖς δὲ νόμοις χρῆσθαι ἀπ' Εὐκλείδου ἀρχοντος.
- 88 Τὰς μὲν δίκας, ὧ ἄνδρες, καὶ τὰς διαίτας ἐποιήσατε κυρίας 20 εἶναι, ὅποσαι ἐν δημοκρατουμένῃ 〈τῇ〉 πόλει ἐγένοντο, ὅπως μήτε χρεῶν ἀποκοπαὶ εἶεν μήτε δίκαι ἀνάδικοι γίγνοιτο, ἀλλὰ τῶν ἰδίων συμβολαίων αἱ πράξεις εἶεν· τῶν δὲ δημοσίων, 〈ἐφ'〉 ὅποσιν ἢ γραφαὶ εἰσιν ἢ φάσεις ἢ ἐνδείξεις ἢ ἀπαγωγαί, τούτων ἕνεκα τοῖς νόμοις ἐψηφίσασθε χρῆσθαι ἀπ' Εὐκλείδου ἀρχοντος. 25
- 89 ὅπότ' οὖν ἔδοξεν ὑμῖν δοκιμάσαι μὲν τοὺς νόμους, δοκιμάσαντας δὲ ἀναγράψαι, ἀγράφῳ δὲ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι 30 μηδὲ περὶ ἐνός, ψήφισμα δὲ 〈μηδὲν〉 μήτε βουλῆς μήτε δήμου 〈νόμου〉 κυριώτερον εἶναι, μηδ' ἐπ' ἀνδρὶ νόμον τιθέναι, εἰ μὴ τὸν αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις, τοῖς δὲ νόμοις τοῖς κειμένοις χρῆσθαι ἀπ' Εὐκλείδου ἀρχοντος, ἐνταυθοῖ ἔστιν ὃ τι ὑπολείπεται ἢ μείζον ἢ ἑλαττον τῶν γενομένων πρότερον ψηφισμάτων πρὶν Εὐκλείδην ἄρξαι, ὅπως κύριον ἔσται; οὐκ οἶμαι ἔγωγε, ἄνδρες. σκοπεῖτε δὲ καὶ αὐτοί.
- 90 Φέρε δὴ τοίνυν, οἱ ὅρκοι ὑμῖν πῶς ἔχουσιν; ὁ μὲν κοινὸς τῇ 35 πόλει ἀπάσῃ, ὃν ὁμωμόκατε πάντες μετὰ τὰς διαλλαγάς. “Καὶ οὐ

1 ἔστιν οὕτως scripsi : ἔστι τοῦτο
scripsi : ἀν 4 ἀν del. Bekker
add. Ald. 21 τῇ add. ap.
Blass 29 νόμου add. Reiske

περιελείπετο Reiske : περιέλειπτο 3 δὴ
10 ΝΟΜΟΙ ap. : ΝΟΜΟΣ 17 ΝΟΜΟΣ
23 ἐφ' add. Blass 28 μηδὲν add.
32 γενομένων Baiter et Sauppe : γινόμενων

- μνησικακήσω τῶν πολιτῶν οὐδενὶ πλὴν τῶν τριάκοντα καὶ τῶν ἑνδεκα, οὐδὲ τούτων ὃς ἂν ἐθέλῃ εὐθύνας διδόναι τῆς ἀρχῆς ἧς ἦρξεν.” ὅπου τοίνυν αὐτοῖς τοῖς τριάκοντα ὤμνυτε μὴ μνησικακήσειν, τοῖς μεγίστων κακῶν αἰτίοις, εἰ διδοῖεν εὐθύνας, ἢ που
- 91 σχολῇ τῶν γε ἄλλων πολιτῶν τινι ἡξιοῦτε μνησικακεῖν. ἡ δὲ 5
βουλὴ αὐτῇ αἰεὶ βουλευούσα τί ὁμνυσι; “Καὶ οὐ δέξομαι ἑνδείξιν οὐδὲ ἀπαγωγὴν ἕνεκα τῶν πρότερον γεγεννημένων, πλὴν τῶν φυγόντων.” ὑμεῖς δ’ αὖ, ὦ Ἀθηναῖοι, τί ὁμόσαντες δικάζετε; “Καὶ οὐ μνησικακήσω οὐδὲ ἄλλω πείσομαι, ψηφιοῦμαι δὲ κατὰ τοὺς κειμένους νόμους.” ἂν χρηὶ σκοπεῖν, εἰ δοκῶ ὀρθῶς ὑμῖν λέγειν 10
ὡς ὑπὲρ ὑμῶν λέγω καὶ τῶν νόμων.
- 92 Σκέψασθε τοίνυν, ὦ ἄνδρες, καὶ τοὺς νόμους καὶ τοὺς κατηγορού-
ρους, τί αὐτοῖς ὑπάρχον ἐτέρων κατηγοροῦσι. Κηφίσιος μὲν οὕτοσι
πριάμενος ὦν ἕκ τοῦ δημοσίου, τὰς ἐκ ταύτης ἐπικαρπίας τῶν
ἐν τῇ γῇ γεωργούντων ἐνενήκοντα μνᾶς ἐκλέξας, οὐ κατέβαλε τῇ 15
- 93 πόλει, καὶ ἔφυνεν· εἰ γὰρ ἦλθεν, ἐδέδετ’ ἂν ἐν τῷ ξύλῳ. ὁ γὰρ νόμος
οὕτως εἶχε· κυρίαν εἶναι τὴν [τε] βουλήν, ὃς ἂν πριάμενος τέλος
μὴ καταβάλλῃ, δεῖν εἰς τὸ ξύλον. οὗτος τοίνυν, ὅτι τοῖς νόμοις
ἐψηφίσασθε ἀπ’ Εὐκλείδου ἄρχοντος χρῆσθαι, ἀξιοὶ ἂν ἔχει ὑμῶν
ἐκλέξας μὴ ἀποδοῦναι· καὶ νῦν γεγένηται ἀντὶ μὲν φυγάδος 20
πολίτης, ἀντὶ δὲ ἀτίμου συκοφάντης, ὅτι τοῖς νόμοις τοῖς νῦν
κειμένοις χρῆσθε.
- 94 Μέλητος δ’ αὖ οὕτοσι ἀπήγαγεν ἐπὶ τῶν τριάκοντα Λέοντα,
ὡς ὑμεῖς ἅπαντες ἴστε, καὶ ἀπέθανεν ἐκεῖνος ἄκριτος. καὶ οὗτος
ὁ νόμος καὶ πρότερον ἦν <καὶ> ὡς καλῶς ἔχων καὶ νῦν ἔστι καὶ 25
χρηῆσθε αὐτῷ· τὸν βουλευσάντα ἐν τῷ αὐτῷ ἐνέχεσθαι καὶ τὸν τῇ
χειρὶ ἐργασάμενον. Μέλητον τοίνυν τοῖς παισὶ τοῖς τοῦ Λέοντος
οὐκ ἔστι φόνου διώκειν, ὅτι τοῖς νόμοις δεῖ χρῆσθαι ἀπ’ Εὐκλείδου
ἄρχοντος, ἐπεὶ ὥς γε οὐκ ἀπήγαγεν οὐδ’ αὐτὸς ἀντιλέγει.
- 95 Ἐπιχάρης δ’ οὕτοσί, ὁ πάντων πονηρότατος καὶ βουλόμενος 30
εἶναι τοιοῦτος, ὁ μνησικακῶν αὐτὸς αὐτῷ—οὗτος γὰρ ἐβούλευεν
ἐπὶ τῶν τριάκοντα· ὁ δὲ νόμος τί κελεύει, ὃς ἐν τῇ στήλῃ ἔμπρο-
σθέν ἐστι τοῦ βουλευτηρίου; ὃς ἂν ἄρξῃ ἐν τῇ πόλει τῆς δημοκρα-
τίας καταλυθείσης, νηποινεὶ τεθνάναι, καὶ τὸν ἀποκτείναντα

1 καὶ τῶν δέκα post τριάκοντα add. de Valois 3 ὅπου ap.: ὅποι ὤμνυτε
Ald.: ὤμνυται 4 μεγίστων Reiske: μεγίστοις 6 αὐτῇ Reiske: αὐτῇ
7 πρότερον Stephanus: προτέρων 8 φυγόντων Sauppe: φευγόντων τί
Ald.: ὅτι 11 ὑμῶν ap.: ἡμῶν 13 ὑπάρχον Emperius: ὑπαρχόντων
15 ἐνενήκοντα ap.: ἐννεήκοντα 17 τε del. Stephanus 19 ἐψηφίσασθε
Reiske: ἀψηφίσασθε 25 καὶ add. Baiter 30 οὕτοσί Blass: οὗτος
34 νηποινεὶ Blass: νηποινί

ὅσion εἶναι καὶ τὰ χρήματα ἔχειν τοῦ ἀποθανόντος. ἄλλο τι οὖν,
 ὦ Ἐπίχαρες, ἢ νῦν ὁ ἀποκτείνας σε καθαρὸς τὰς χεῖρας ἔσται
 96 κατὰ γε τὸν Σόλωνος νόμον; καὶ μοι ἀνάγνωθι τὸν νόμον τὸν ἐκ
 τῆς στήλης.

ΝΟΜΟΣ. Ἔδοξε τῇ βουλῇ καὶ τῷ δήμῳ· Αἰαντὶς ἐπρυτά- 5
 νευε, Κλειγένης ἐγραμμάτευε, Βοηθὸς ἐπεστάτει. τὰδε
 Δημόφαντος συνέγραψεν. ἄρχει χρόνος τοῦδε τοῦ ψηφί-
 σματος ἢ βουλῇ οἱ πεντακόσιοι λαχόντες τῷ κνάμῳ,
 οἷς Κλειγένης πρῶτος ἐγραμμάτευεν.

Ἐάν τις δημοκρατίαν καταλύῃ τὴν Ἀθήνησιν, ἢ ἀρχήν 10
 τινα ἄρχῃ καταλελυμένης τῆς δημοκρατίας, πολέμιος
 ἔστω Ἀθηναίων καὶ νηποινεὶ τεθνάτω, καὶ τὰ χρήματα
 αὐτοῦ δημόσια ἔστω, καὶ τῆς θεοῦ τὸ ἐπιδέκατον· ὁ δὲ
 97 ἀποκτείνας τὸν ταῦτα ποιήσαντα καὶ ὁ συμβουλευσας 15
 ὁσioς ἔστω καὶ εὐαγής. ὁμόσαι δ' Ἀθηναίους ἅπαντας
 καθ' ἱερῶν τελείων κατὰ φυλὰς καὶ κατὰ δήμους,
 ἀποκτενεῖν τὸν ταῦτα ποιήσαντα. ὁ δὲ ὅρκος ἔστω ὅδε·
 “Κτενῶ <καὶ λόγῳ καὶ ἔργῳ καὶ ψήφῳ καὶ> τῇ ἔμαντοῦ
 χειρί, ἂν δυνατὸς ὦ, ὅς ἂν καταλύσῃ τὴν δημοκρατίαν τὴν
 Ἀθήνησι, καὶ ἔάν τις ἄρξῃ τιν' ἀρχὴν καταλελυμένης τῆς 20
 δημοκρατίας τὸ λοιπόν, καὶ ἔάν τις τυραννεῖν ἐπαναστῇ ἢ
 τὸν τύραννον συγκαταστήσῃ. καὶ ἔάν τις ἄλλος ἀποκτείνῃ,
 ὅσion αὐτὸν νομῶ εἶναι καὶ πρὸς θεῶν καὶ δαιμόνων,
 ὡς πολέμον κτείναντα τὸν Ἀθηναίων, καὶ τὰ κτήματα
 τοῦ ἀποθανόντος πάντα ἀποδόμενος ἀποδώσω τὰ ἡμίσεια 25
 τῷ ἀποκτείναντι [καὶ λόγῳ καὶ ἔργῳ καὶ ψήφῳ], καὶ οὐκ
 98 ἀποστερήσω οὐδέν. ἔάν τις κτείνων τινὰ τούτων
 ἀποθάνῃ ἢ ἐπιχειρῶν, εὖ ποιήσω αὐτόν τε καὶ τοὺς
 παῖδας τοὺς ἐκείνου, καθάπερ Ἀρμόδιόν τε καὶ Ἀριστο-
 γεῖτονα καὶ τοὺς ἀπογόνους αὐτῶν. ὅπόσοι δὲ ὅρκοι 30
 ὁμώμονται Ἀθήνησιν ἢ ἐν τῷ στρατοπέδῳ ἢ ἄλλοθι που
 ἐναντίοι τῷ δήμῳ τῷ Ἀθηναίων, λύω καὶ ἀφήμι.”
 ταῦτα δὲ ὁμοσάντων Ἀθηναῖοι πάντες καθ' ἱερῶν τελείων,
 τὸν νόμιμον ὅρκον, πρὸ Διονυσίων· καὶ ἐπεύχεσθαι

1 ἄλλο τι Canter: ἄλλ' ὅτι 2 Ἐπίχαρες Valckenaer: ἐπιχάρης ἢ Ald.: εἰ
 6 et 9 Κλειγένης Lipsius: κλειογένης 9 οἷς Droysen: ὅτε 10 καταλύῃ
 Ald.: καταλύει 11 ἀρχῇ Ald.: ἄρχει 12 ἔστω Stephanus: ἔσται νηποινεὶ
 Blass: νηποινί 17 ἀποκτενεῖν Droysen: ἀποκτείνειν 18 καὶ λόγῳ καὶ
 ἔργῳ καὶ ψήφῳ ex 26 transtulit, καὶ add. Sauppe 20 τιν' Reiske: τὴν
 22 συγκαταστήσῃ ap.: συγκαταστήσει 24 τὸν ap.: τῶν 28 ἀποθάνῃ
 Ald.: ἀποθάνοι 32 τῷ Ἀθηναίων Osann: τῶν ἀθηναίων

εὐορκοῦντι μὲν εἶναι πολλὰ καὶ ἀγαθὰ, ἐπιορκοῦντι δ' ἐξώλη αὐτὸν εἶναι καὶ γένος.

- 99 Πότερον, ὦ συκοφάντα καὶ ἐπίτριπτον κίναδος, κύριος ὁ νόμος ὃδε ἐστὶν ἢ οὐ κύριος; διὰ τοῦτο δ' οἶμαι γεγένηται ἄκυρος, ὅτι τοῖς νόμοις δεῖ χρησθαι ἀπ' Εὐκλείδου ἄρχοντος. 5 καὶ σὺ ζῆς καὶ περιέρχῃ τὴν πόλιν ταύτην, οὐκ ἄξιος ὢν ὃς ἐν δημοκρατίᾳ μὲν συκοφαντῶν ἐξῆς, ἐν ὀλιγαρχίᾳ δέ, ὡς μὴ ἀναγκασθείης τὰ χρήματα ἀποδοῦναι ὅσα συκοφαντῶν ἔλαβες,
- 100 ἐδούλευες τοῖς τριάκοντα. εἴτα σὺ περὶ ἐταιρείας ἐμοὶ μνείαν ποιῇ καὶ κακῶς τινὰς λέγεις; ὃς ἐνὶ μὲν οὐχ ἡταιρήσας (καλῶς 10 γὰρ ἂν σοι εἶχε), πραττόμενος δ' οὐ πολὺ ἀργύριον τὸν βουλόμενον ἀνθρώπων, ὡς οὗτοι ἴσασιν, ἐπὶ τοῖς αἰσχίστοις ἔργοις ἐξῆς, καὶ ταῦτα οὕτως μοχθηρὸς ὢν τὴν ἰδέαν. ἀλλ' ὅμως οὗτος ἐτέρων ἐτόλμα κατηγορεῖν, ᾧ κατὰ τοὺς νόμους τοὺς ὑμετέρους οὐδ' αὐτῷ ὑπὲρ αὐτοῦ ἔστιν ἀπολογεῖσθαι. 15
- 101 Ἀλλὰ γάρ, ὦ ἄνδρες, καθήμενος ἡνίκα μου κατηγορεῖ, βλέπων εἰς αὐτόν, οὐδὲν ἄλλο ἢ ὑπὸ τῶν τριάκοντα συνειλημμένος ἔδοξα κρίνεσθαι. εἰ γὰρ τότε ἡγωνιζόμεν, τίς ἂν μου κατηγορεῖ; οὐχ οὗτος ὑπῆρχεν, εἰ μὴ ἐδίδουν ἀργύριον; καὶ γὰρ νῦν. ἀνέκρινε δ' 20 ἂν με τίς ἄλλος ἢ Χαρικλῆς, ἐρωτῶν, “Εἰπέ μοι, ὦ Ἀνδοκίδη, ἦλθες εἰς Δεκέλειαν, καὶ ἐπετείχισας τῇ πατρίδι τῇ σεαυτοῦ;” “Οὐκ ἔγωγε.” “Τί δέ; ἔτεμες τὴν χώραν, καὶ ἐλήσω ἢ κατὰ γῆν ἢ κατὰ θάλατταν τοὺς πολίτας τοὺς σεαυτοῦ;” “Οὐ δῆτα.” “Οὐδ' ἐναυμάχησας ἐναντία τῇ πόλει, οὐδὲ συγκατέσκαψας τὰ τείχη, οὐδὲ συγκατέλυσας τὸν δῆμον, οὐδὲ βία κατήλθες εἰς τὴν πόλιν;” 25 “Οὐδὲν τούτων πεποίηκα.” “Οὐδέν; δοκεῖς οὖν χαιρῆσειν ἢ οὐκ
- 102 ἀποθανεῖσθαι, ὡς ἕτεροι πολλοί;” ἀρ' <ἂν> οἶεσθε, ὦ ἄνδρες, ἄλλων τινῶν τυχεῖν με δι' ὑμᾶς, εἰ ἐλήφθην ὑπ' αὐτῶν; οὐκ οὖν δεινόν, εἰ ὑπὸ μὲν τούτων διὰ τοῦτ' ἂν ἀπωλόμην, ὅτι εἰς τὴν πόλιν οὐδὲν ἡμαρτον, ὥσπερ καὶ ἐτέρους ἀπέκτειναν, ἐν ὑμῖν δὲ 30 κρινόμενος, οὓς οὐδὲν κακὸν πεποίηκα, οὐ σωθήσομαι; πάντως δῆπου· ἢ σχολῇ γέ τις ἄλλος ἀνθρώπων.
- 103 Ἀλλὰ γάρ, ὦ ἄνδρες, τὴν μὲν ἔνδειξιν ἐποιήσαντό μου κατὰ νόμον κείμενον, τὴν δὲ κατηγορίαν κατὰ τὸ ψήφισμα τὸ πρότερον γεγενημένον περὶ ἐτέρων. εἰ οὖν ἐμοῦ καταψηφιεῖσθε, ὁρᾶτε μὴ 35 οὐκ ἐμοὶ μάλιστα τῶν πολιτῶν προσήκει λόγον δοῦναι τῶν γεγενημένων, ἀλλὰ πολλοῖς ἐτέροις μᾶλλον, τοῦτο μὲν οἷς ὑμεῖς

14 ἐτέρων Reiske: ἐταιρῶν

21 ἐπετείχισας Stephanus: ἐπετείχισες

22 ἐλήσω Naber: ἐλήσω

23 σεαυτοῦ ap.: ἐαυτοῦ

27 ἂν add. Dobree

28 ὑμᾶς Reiske: ἡμᾶς

30 ὑμῖν ap.: ἡμῖν

- ἐναντία μαχεσάμενοι διηλλάγητε καὶ ὄρκους ὠμόσατε, τοῦτο δὲ οὓς φεύγοντας κατηγάγετε, τοῦτο δὲ οὓς ἀτίμους ὄντας ἐπιτίμους ἐποιήσατε· ὧν εἵνεκα καὶ στήλας ἀνείλετε καὶ νόμους ἀκύρους ἐποιήσατε καὶ [τὰ] ψηφίσματα ἐξηλείψατε· οἱ νυνὶ μένουσιν ἐν
- 104** τῇ πόλει πιστεύοντες ὑμῖν, ὦ ἄνδρες. εἰ οὖν γινώσκονται ὑμᾶς 5 ἀποδεχομένους τὰς κατηγορίας τῶν πρότερον γεγενημένων, τίνα αὐτοὺς οἶεσθε γνώμην ἔξειν περὶ σφῶν αὐτῶν; ἢ τίνα αὐτῶν ἐθελήσῃν εἰς ἀγῶνα καθίστασθαι ἔνεκα τῶν πρότερον γεγενημένων; φανήσονται γὰρ πολλοὶ μὲν ἐχθροὶ πολλοὶ δὲ συκοφάνται,
- 105** οἱ καταστήσουσιν αὐτῶν ἕκαστον εἰς ἀγῶνα. ἤκουσι δὲ νυνὶ 10 ἀκροασόμενοι ἀμφοτέρω, οὐ τὴν αὐτὴν γνώμην ἔχοντες ἀλλήλοις, ἀλλ' οἱ μὲν εἰσόμενοι εἰ χρὴ πιστεύειν τοῖς νόμοις τοῖς κειμένοις καὶ τοῖς ὄρκοις οὓς ὠμόσατε ἀλλήλοις, οἱ δὲ ἀποπειρώμενοι τῆς ὑμετέρας γνώμης, εἰ αὐτοῖς ἐξέσται ἀδεῶς συκοφαντεῖν καὶ γράφεσθαι, τοὺς δὲ ἐνδεικνύναι, τοὺς δὲ ἀπάγειν. 15 οὕτως οὖν ἔχει, ὦ ἄνδρες· ὁ μὲν ἀγὼν ἐν τῷ σώματι τῷ ἐμῷ καθέστηκεν, ἢ δὲ ψῆφος ἢ ὑμέτερα δημοσίᾳ κρινεῖ πότερον χρὴ τοῖς νόμοις τοῖς ὑμετέροις πιστεύειν, ἢ τοὺς συκοφάντας παρασκευάζεσθαι, ἢ φεύγειν αὐτοὺς ἐκ τῆς πόλεως καὶ ἀπιέναι ὡς τάχιστα. 20
- 106** Ἵνα δὲ εἰδῆτε, ὦ ἄνδρες, ὅτι τὰ πεποιημένα ὑμῖν εἰς ὁμόνοιαν οὐ κακῶς ἔχει, ἀλλὰ τὰ προσήκοντα καὶ τὰ συμφέροντα ὑμῖν αὐτοῖς ἐποιήσατε, βραχεὰ βούλομαι καὶ περὶ τούτων εἰπεῖν. οἱ γὰρ πατέρες οἱ ὑμέτεροι γενομένων τῇ πόλει κακῶν μεγάλων, 25 ὅτε οἱ τύραννοι μὲν εἶχον τὴν πόλιν, ὁ δὲ δῆμος ἔφευγε, νικήσαντες μαχόμενοι τοὺς τυράννους ἐπὶ Παλληνίῳ, στρατηγοῦντος Λεωγόρου τοῦ προπάππου τοῦ ἐμοῦ καὶ Χαρίου, οὐ ἐκείνους τὴν θυγατέρα εἶχεν, ἐξ ἧς ὁ ἡμέτερος ἦν πάππος, κατελθόντες εἰς τὴν πατρίδα τοὺς μὲν ἀπέκτειναν, τῶν δὲ φυγὴν κατέγνωσαν,
- 107** τοὺς δὲ μένειν ἐν τῇ πόλει ἐάσαντες ἡτίμωσαν. ὕστερον δὲ 30 ἡνίκα βασιλεὺς ἐπεστράτευσεν ἐπὶ τὴν Ἑλλάδα, γνόντες τῶν συμφορῶν τῶν ἐπιουσῶν τὸ μέγεθος καὶ τὴν παρασκευὴν τὴν βασιλέως, ἔγνωσαν τοὺς τε φεύγοντας καταδέξασθαι καὶ τοὺς ἀτίμους ἐπιτίμους ποιῆσαι καὶ κοινὴν τὴν τε σωτηρίαν καὶ τοὺς κινδύνους ποιήσασθαι. πράξαντες δὲ ταῦτα, καὶ δόντες ἀλλήλοις 35

1 ὠμόσατε ap.: ὁμόσατε 2 ἀτίμους ap.: ἀτίμως 4 τὰ del. Bekker 6 et 8 πρότερον Stephanus: προτέρων 13 ὠμόσατε ap.: ὁμόσατε
 17 κρινεῖ Stephanus: κρίνει 23 βραχεὰ ap.: βραχεῖα 25 ἔφευγε Sauppe: ἔφυγε 29 τῶν ap.: τοὺς 32 τὴν βασιλέως Bekker: τοῦ βασιλέως
 33 φεύγοντας Baiter et Sauppe: φυγόντας 35 πράξαντες ap.: δίδόντες

- πίστεις καὶ ὄρκους μεγάλους, ἡξίουσαν σφᾶς αὐτοὺς προτάξαντες
 πρὸ τῶν Ἑλλήνων ἀπάντων ἀπαντῆσαι τοῖς βαρβάροις Μαρα-
 θῶνάδε, νομίσαντες τὴν σφετέραν αὐτῶν ἀρετὴν ἰκανὴν εἶναι τῷ
 πλήθει τῷ ἐκείνων ἀντιτάξασθαι· μαχεσάμενοί τε ἐνίκων, καὶ
 108 τὴν τε Ἑλλάδα ἡλευθέρωσαν καὶ τὴν πατρίδα ἔσωσαν. ἔργον δὲ 5
 τοιοῦτον ἐργασάμενοι οὐκ ἡξίωσάν τινι τῶν πρότερον γενομένων
 μνησικακῆσαι. τοιγάρτοι διὰ ταῦτα, τὴν πόλιν ἀνάστατον παρα-
 λαβόντες ἱερά τε κατακεκαυμένα τείχη τε καὶ οἰκίας κατα-
 πεπτωκυίας, ἀφορμὴν τε οὐδεμίαν ἔχοντες, διὰ τὸ ἀλλήλοις
 ὁμονοεῖν τὴν ἀρχὴν τῶν Ἑλλήνων κατηργάσαντο καὶ τὴν πόλιν 10
 109 ὑμῖν τοιαύτην καὶ τοσαύτην παρέδωκαν. ὑμεῖς οὖν καὶ αὐτοὶ
 ὕστερον, κακῶν οὐκ ἐλαττόνων ἢ ἐκείνοις γεγενημένων, ἀγαθοὶ
 ἐξ ἀγαθῶν ὄντες ἀπέδοτε τὴν ὑπάρχουσαν ἀρετὴν· ἡξιώσατε
 γὰρ τοὺς τε φεύγοντας καταδέξασθαι καὶ τοὺς ἀτίμους ἐπιτίμους
 ποιῆσαι. τί οὖν ὑμῖν ὑπόλοιπόν ἐστι τῆς ἐκείνων ἀρετῆς; μὴ 15
 μνησικακῆσαι, εἰδότες, ὦ ἄνδρες, ὅτι ἡ πόλις ἐκ πολὺ ἐλάττονος
 ἀφορμῆς ἐν τῷ ἔμπροσθεν χρόνῳ μεγάλη καὶ εὐδαίμων ἐγένετο·
 ἃ νῦν αὐτῇ ὑπάρχει, εἰ ἐθέλομεν οἱ πολῖται σωφρονεῖν τε καὶ
 ὁμονοεῖν ἀλλήλοις.
- 110 Κατηγόρησαν δέ μου καὶ περὶ τῆς ἱκετηρίας, ὡς καταθείην 20
 ἐγὼ ἐν τῷ Ἑλευσινίῳ, νόμος δ' εἴη πάτριος, ὃς ἂν θῇ ἱκετηρίαν
 μυστηρίοις, τεθνάναι. καὶ οὕτως εἰσὶ τολμηροί, ὥσθ' ἃ αὐτοὶ
 κατεσκεύασαν, οὐκ ἀρκεῖ αὐτοῖς ὅτι οὐ κατέσχον ἃ ἐπεβούλευσαν,
- 111 ἀλλὰ καὶ κατηγορίαν ἐμοῦ ποιοῦνται ὡς ἀδικοῦντος. ἐπειδὴ γὰρ
 ἡλθομεν Ἑλευσινώθεν καὶ ἡ ἔνδειξις ἐγγεγνήτο, προσῆει ὁ 25
 βασιλεὺς περὶ τῶν γεγενημένων Ἑλευσίνι κατὰ τὴν τελετήν,
 ὥσπερ ἔθος ἐστίν· οἱ δὲ πρυτάνεις προσάξουν ἔφασαν αὐτὸν πρὸς
 τὴν βουλὴν, ἐπαγγεῖλαι τ' ἐκέλευον ἐμοί τε καὶ Κηφισίῳ παρεῖναι
 εἰς τὸ Ἑλευσίνιον. (ἡ γὰρ βουλὴ ἐκεῖ καθεδεῖσθαι ἔμελλε κατὰ
 τὸν Σόλωνος νόμον, ὃς κελεύει τῇ ὑστεραίᾳ τῶν μυστηρίων 30
 112 ἔδραν ποιεῖν ἐν τῷ Ἑλευσινίῳ.) καὶ παρῆμεν κατὰ τὰ προειρημένα.
 καὶ ἡ βουλὴ ἐπειδὴ ἦν πλήρης, ἀναστὰς Καλλίας ὁ Ἰππονίκου τὴν
 σκευὴν ἔχων λέγει ὅτι ἱκετηρία κεῖται ἐπὶ τοῦ βωμοῦ, καὶ
 ἔδειξεν αὐτοῖς. κᾶθ' ὁ κῆρυξ ἐκήρυττε τίς τὴν ἱκετηρίαν κατα-
 θεῖη, καὶ οὐδεὶς ὑπήκουε. ἡμεῖς δὲ παρέσταμεν, καὶ οὗτος ἡμᾶς 35
 εὔωρα. ἐπειδὴ δὲ οὐδεὶς ὑπήκουεν, καὶ ὥχeto εἰσιὼν ἐπεξεληθῶν

10 κατηργάσαντο Blass: κατεργάσαντο 21 δ' εἴη Bekker:]η Παρ.
 Fior. ii 112: δὲ ἦν 25 προσῆει <τοῖς πρυτάνεσιν> Blass 28 ἐπαγγεῖλαι
 Bekker: ἀπαγγεῖλαι κηφισίῳ ap.: κηφισίῳ 31 προειρημένα ap.:
 προρηγμένα 34 κᾶθ' Bekker: καθά 35 παρέσταμεν Bekker:
 παρέστημεν

Εὐκλῆς οὐτοσί—καί μοι κάλει αὐτόν. πρῶτα μὲν οὖν ταῦτα εἰ ἀληθῆ λέγω μαρτύρησον, Εὐκλείς.

〈ΜΑΡΤΥΡΙΑ〉

- 113** Ὡς μὲν ἀληθῆ λέγω μεμαρτύρηται· πολὺ δέ μοι δοκεῖ τὸ ἐναντίον εἶναι ἢ <ὁ> οἱ κατήγοροι εἶπον. ἔλεξαν γάρ, εἰ μέμνησθε, 5
ὅτι αὐτῷ με τῷ θεῷ περιαγάγοιεν ὥστε θεῖναι τὴν ἱκετηρίαν μὴ εἰδότα τὸν νόμον, ἵνα δῶ δίκην. ἐγὼ δέ, ὦ ἄνδρες, εἰ ὡς μάλιστα ἀληθῆ λέγουσιν οἱ κατήγοροι, ὑπ' αὐτοῖν μὲν φημι τοῖν
- 114** θεοῖν σεσῶσθαι· εἰ γὰρ ἔθηκα μὲν τὴν ἱκετηρίαν, ὑπήκουσα δὲ μή, ἄλλο τι ἢ αὐτὸς μὲν αὐτὸν ἀπώλλυον τιθεῖς τὴν ἱκετηρίαν, 10
ἐσωζόμην δὲ τῇ τύχῃ διὰ τὸ μὴ ὑπακοῦσαι, δηλονότι διὰ τῷ θεῷ; εἰ γὰρ ἐβουλεύσθην με ἀπολλύναι τῷ θεῷ, ἐχρῆν δήπου καὶ μὴ θέντα με τὴν ἱκετηρίαν ὁμολογήσαι. ἀλλ' οὔτε ὑπήκουσα οὐτ' ἔθηκα.
- 115** Ἐπειδὴ δ' ἔλεγε τῇ βουλῇ Εὐκλῆς ὅτι οὐδεὶς ὑπακούοι, πάλιν ὁ 15
Καλλίας ἀναστὰς ἔλεγεν ὅτι εἴη νόμος πάτριος, εἴ τις ἱκετηρίαν θεῖη ἐν τῷ Ἑλευσινίῳ, ἄκριτον ἀποθανεῖν, καὶ ὁ πατήρ ποτ' αὐτοῦ Ἰππώνικος ἐξηγήσατο ταῦτα Ἀθηναίοις, ἀκούσειε δὲ ὅτι ἐγὼ θεῖην τὴν ἱκετηρίαν. ἐντεῦθεν ἀναπηδᾷ Κέφαλος οὐτοσί καὶ
- 116** λέγει· “ὦ Καλλία, πάντων ἀνθρώπων ἀνοσιώτατε, πρῶτον μὲν 20
ἐξηγῇ Κηρύκων ὦν, οὐχ ὅσιον <ὄν> σοι ἐξηγεῖσθαι· ἔπειτα δὲ νόμον πάτριον λέγεις, ἣ δὲ στήλη παρ' ἣ ἔστηκες χιλίας δραχμὰς κελεύει ὀφείλειν, ἐάν τις ἱκετηρίαν θῇ ἐν τῷ Ἑλευσινίῳ. ἔπειτα δὲ τίνος ἤκουσας ὅτι Ἀνδοκίδης θεῖη τὴν ἱκετηρίαν; κάλεσον αὐτὸν τῇ βουλῇ, ἵνα καὶ ἡμεῖς ἀκούσωμεν.” ἐπειδὴ δὲ ἀνεγνώσθη 25
ἣ στήλη κακείνος οὐκ εἶχεν εἰπεῖν ὅτου ἤκουσεν, καταφανῆς ἦν τῇ βουλῇ αὐτὸς θεῖς τὴν ἱκετηρίαν.
- 117** Φέρε δὴ τοίνυν, ὦ ἄνδρες, (τάχα γὰρ ἂν αὐτὸ βούλοισθε 30
πυθέσθαι) ὁ δὲ Καλλίας τί βουλόμενος ἐτίθει τὴν ἱκετηρίαν; ἐγὼ δὲ ὑμῖν διηγῆσομαι ὦν ὑπ' αὐτοῦ εἵνεκα ἐπεβουλεύθην. **30**
Ἐπίλυκος ἦν ὁ Τεισάνδρου θεῖός μοι, ἀδελφὸς τῆς μητρὸς τῆς ἐμῆς· ἀπέθανε δὲ ἐν Σικελίᾳ ἅπαις ἀρρένων παίδων, θυγατέρας
- 118** δὲ δύο καταλιπών, αἱ ἐγίνοντο εἰς τε ἐμὲ καὶ Λέαγρον. τὰ δὲ 35
πράγματα τὰ οἱκοι πονήρως εἶχε· τὴν μὲν γὰρ φανεράν οὐσίαν

3 ΜΑΡΤΥΡΙΑ add. Ald.

5 ὁ addidi

6 παραγάγοιεν Dobree

16 ἀναστὰς Baiter: στὰς

18 ἐξηγήσατο Dobree

21 ὦν Reiske:

ὦν ὄν add. Frohberger

28 βούλοισθε Dobree: βούλεσθε

31 Τεισάνδρου

Blass: τισάνδρου

- οὐδὲ δυοῖν τάλαντων κατέλιπε, τὰ δὲ ὀφειλόμενα πλέον ἦν ἢ πέντε τάλαντα. ὅμως δ' ἐγὼ καλέσας Λέαγρον ἐναντίον τῶν φίλων ἔλεγον ὅτι ταῦτ' εἶη ἀνδρῶν ἀγαθῶν, ἐν τοῖς τοιοῦτοις
- 119** δεικνύναι τὰς οἰκειότητας ἀλλήλοις. “Ἡμᾶς γὰρ οὐ δίκαιόν ἐστιν οὔτε χρήματα ἕτερα οὔτ' εὐτυχίαν ἀνδρὸς ἐλέσθαι, ὥστε 5 καταφρονῆσαι τῶν Ἐπιλύκου θυγατέρων. καὶ γὰρ εἰ ἔζη Ἐπίλυκος ἢ τεθνεὺς πολλὰ κατέλιπε χρήματα, ἡξιούμεν ἂν γένει ὄντες ἐγγυτάτῳ ἔχειν τὰς παῖδας. τοιγάρτοι ἐκεῖνα μὲν δι' Ἐπίλυκον ἂν ἦν ἢ διὰ τὰ χρήματα· νῦν δὲ διὰ τὴν ἡμετέραν ἀρετὴν τάδε ἔσται. τῆς μὲν οὖν σὺ ἐπιδικάζου, τῆς δὲ ἐγώ.” **10**
- 120** ὡμολόγησέ μοι, ὦ ἄνδρες. ἐπεδικασάμεθα ἅμψω κατὰ τὴν πρὸς ἡμᾶς ὁμολογίαν. καὶ ἥς μὲν ἐγὼ ἐπεδικασάμην, ἢ παῖς τύχῃ χρησαμένη καμοῦσα ἀπέθανεν· ἢ δ' ἐτέρα ἔστιν ἔτι. ταύτην Καλλίας ἔπειθε Λέαγρον χρήματα ὑπισχνούμενος ἔαν αὐτὸν λαβεῖν. αἰσθόμενος δ' ἐγὼ εὐθὺς ἔθῃκα παράστασιν καὶ ἔλαχον, **15** πρότερον μὲν (λέγων) Λεάγρῳ ὅτι “Εἰ μὲν σὺ βούλει ἐπιδικάζεσθαι, ἔχε τύχῃ ἀγαθῇ· εἰ δὲ μή, ἐγὼ ἐπιδικάσομαι.” γνοὺς ταῦτα Καλλίας λαγχάνει τῷ υἱεῖ τῷ ἑαυτοῦ τῆς ἐπικλήρου τῇ δεκάτῃ ἰσταμένου· ἵνα (δὲ) μὴ ἐπιδικάσωμαι ἐγώ, ταῖς [δ'] εἰκάσι, μυστηρίοις τούτοις, δοὺς Κηφισίῳ χιλίας δραχμὰς **20** ἐνδείκνυσί με καὶ εἰς τὸν ἀγῶνα τοῦτον καθίστησιν. ἐπειδὴ δ' ἑώρα με ὑπομένοντα, τίθησι τὴν ἱκετηρίαν, ὥς ἐμὲ μὲν ἀποκτενῶν ἄκριτον ἢ ἐξελῶν, αὐτὸς δὲ πείσας Λέαγρον χρήμασι συνοικήσων τῇ Ἐπιλύκου θυγατρὶ. ἐπειδὴ δ' (οὐδ') οὕτως ἄνευ ἀγῶνος ἑώρα ἐσόμενα τὰ πράγματα, τότε δὴ προσίων Λυσίστρατον, **25** Ἠγήμονα, Ἐπιχάρην, ὁρῶν φίλους ὄντας ἐμοὶ καὶ χρωμένους, εἰς τοῦτο βδελυρίας ἦλθε καὶ παρανομίας, ὥστ' ἔλεγε πρὸς τούτους ὥς εἰ ἔτι καὶ νῦν βουλοίμην ἀποστήναι τῆς Ἐπιλύκου θυγατρὸς, ἔτοιμος εἶη παύσασθαι με κακῶς ποιῶν, ἀπαλλάξαι δὲ Κηφίσιον, δίκην δ' ἐν τοῖς φίλοις δοῦναί μοι τῶν πεποιη- **30**
- 123** μένων. εἶπον αὐτῷ καὶ κατηγορεῖν καὶ παρασκευάζειν ἄλλους· “Εἰ δ' ἐγὼ αὐτὸν ἀποφεύξομαι καὶ γνώσονται Ἀθηναῖοι περὶ ἐμοῦ τὰ δίκαια, ἐγὼ αὐτὸν οἶομαι περὶ τοῦ σώματος τοῦ ἑαυτοῦ ἐν τῷ μέρει κινδυνεύσειν.” ἅπερ αὐτὸν οὐ ψεύσομαι, ἔαν ὑμῖν, ὦ ἄνδρες, δοκῇ. ὥς δ' ἀληθῆ λέγω, κάλει μοι τοὺς **35** μάρτυρας.

5 ἐτέρου Richards 16 πρότερον μὲν λέγων scripsi: προτέρῳ μὲν 19 δὲ
 transtulit Lipsius 23 ἐξελῶν Valckenaer: ἐξελῶν πείσας Scaliger:
 πείσων 24 οὐδ' add. Reiske 26 Ἠγήμονα Valckenaer: ἡγεμόνα
 32 ἀποφεύξομαι Valckenaer: ἀποφεύξαιμι

MARTYPEΣ

- 124** Ἀλλὰ γὰρ τὸν υἱὸν αὐτοῦ τοῦτον, ᾧ λαχεῖν ἡξίωσε τῆς
 Ἐπιλύκου θυγατρὸς, σκέψασθε πῶς γέγονε καὶ πῶς ἐποιήσατ'
 αὐτόν· ταῦτα γὰρ καὶ ἄξιον ἀκοῦσαι, ὦ ἄνδρες. γαμει μὲν
 Ἰσχομάχου θυγατέρα· ταύτῃ δὲ συνοικήσας οὐδ' ἐνιαυτὸν τὴν 5
 μητέρα αὐτῆς ἔλαβε, καὶ συνώκει ὁ πάντων σχετλιώτατος
 ἀνθρώπων τῇ μητρὶ καὶ τῇ θυγατρὶ, ἱερεὺς ὢν τῆς Μητρὸς καὶ
125 τῆς Θυγατρὸς, καὶ εἶχεν ἐν τῇ οἰκίᾳ ἀμφοτέρας. καὶ οὗτος μὲν οὐκ
 ἡσχύνθη οὐδ' ἔδεισε τῷ θεῷ· ἡ δὲ τοῦ Ἰσχομάχου θυγάτηρ τεθνάναι
 νομίσασα λυσιτελεῖν ἢ ζῆν ὁρώσα τὰ γινόμενα, ἀπαγχομένη 10
 μεταξύ κατεκλίθη, καὶ ἐπειδὴ ἀνεβίω ἀποδρᾶσα ἐκ τῆς οἰκίας
 ᾤχετο, καὶ ἐξήλασεν ἡ μήτηρ τὴν θυγατέρα. ταύτης δ' αὖ διαπε-
 πλησμένος ἐξέβαλε καὶ ταύτην. ἡ δ' ἔφη κυεῖν ἐξ αὐτοῦ· καὶ
 ἐπειδὴ ἔτεκεν υἱόν, ἔξαρνος ἦν μὴ εἶναι ἐξ αὐτοῦ τὸ παιδίον.
126 λαβόντες δὲ οἱ προσήκοντες τῇ γυναικὶ τὸ παιδίον ἦκον ἐπὶ τὸν 15
 βωμὸν Ἀπατουρίους ἔχοντες ἱερεῖον, καὶ ἐκέλευον κατάρξασθαι
 τὸν Καλλίαν. ὁ δ' ἡρώτα τίνος εἴη τὸ παιδίον· ἔλεγον “Καλλίου
 τοῦ Ἰππονίκου.” “Ἐγὼ εἰμι οὗτος.” “Καὶ ἐστὶ γε σὸν τὸ παιδίον.”
 λαβόμενος τοῦ βωμοῦ ὤμοσεν ἢ μὴν μὴ εἶναι <οἱ> υἱὸν ἄλλον
 μηδὲ γενέσθαι πώποτε, εἰ μὴ Ἰππόνικον ἐκ τῆς Γλαύκωνος 20
 θυγατρὸς, ἢ ἐξώλῃ εἶναι καὶ αὐτὸν καὶ τὴν οἰκίαν—ὥσπερ ἔσται.
127 μετὰ ταῦτα τοίνυν, ὦ ἄνδρες, ὑστέρω πάλιν χρόνῳ τῆς γραδὸς
 τολμηροτάτης γυναικὸς ἀνηράσθη, καὶ κομίζεται αὐτὴν εἰς τὴν
 οἰκίαν καὶ τὸν παῖδα ἤδη μέγαν ὄντα εἰσάγει εἰς Κήρυκας,
 φάσκων εἶναι υἱὸν αὐτοῦ. ἀντεῖπε μὲν Καλλικλῆς μὴ εἰσδέξασθαι, 25
 ἐψηφίσαντο δὲ οἱ Κήρυκες κατὰ τὸν νόμον ὃς ἐστὶν αὐτοῖς, τὸν
 πατέρα ὁμόσαντα εἰσάγειν ἢ μὴν υἱὸν ὄντα ἑαυτοῦ εἰσάγειν.
 λαβόμενος τοῦ βωμοῦ ὤμοσεν ἢ μὴν τὸν παῖδα ἑαυτοῦ εἶναι
 γνήσιον, ἐκ Χρυσίλλης γεγονότα· ὃν <πρότερον> ἀπώμοσε. καὶ
 μοι τούτων ἀπάντων τοὺς μάρτυρας κάλει. 30

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- 128** Φέρε δὴ τοίνυν, ὦ ἄνδρες, σκεψώμεθα εἰ πώποτε ἐν τοῖς
 Ἑλλήσι πρᾶγμα τοιοῦτον ἐγένετο, ὅπου γυναικὰ τις γήμας
 ἐπέγημε τῇ θυγατρὶ τὴν μητέρα καὶ ἐξήλασεν ἡ μήτηρ τὴν

11 κατεκλύθη Sluiter ἀποδρᾶσα Bekker: ἀποδράσασα 13 κυεῖν
 Klotz: κύειν 19 οἱ add. Muretus 25 αὐτοῦ Baiter: αὐτοῦ Καλλι-
 κλῆς scripsi: καλλιδης 26 ὃς Ald.: ὃ αὐτοῖς Bekker: αὐτὸς 29 Χρυ-
 σίλλης Jernstedt: χρυσιάδης πρότερον addidi 31 MARTYPEΣ add. Ald.

- θυγατέρα· ταύτη δὲ συνοικῶν βούλεται τὴν Ἐπιλύκου θυγατέρα λαβεῖν, ἢ ἐξέλασθαι τὴν τήθην ἢ θυγατρίδι. ἀλλὰ γὰρ τῷ παιδί
- 129** αὐτοῦ τί χρὴ τοῦνομα θέσθαι; οἶμαι γὰρ ἔγωγε οὐδένα οὕτως ἀγαθὸν εἶναι λογιέσθαι, ὅστις ἐξευρήσει τοῦνομα αὐτοῦ. τριῶν γὰρ οὐσῶν γυναικῶν αἷς συνωκηκῶς ἔσται ὁ πατήρ αὐτοῦ, τῆς 5 μὲν υἱὸς ἔστιν, ὥς φησι, τῆς δὲ ἀδελφός, τῆς δὲ θεῖος. τίς ἂν εἴη οὗτος; Οἰδίπους, ἢ Αἰγισθος; ἢ τί χρὴ αὐτὸν ὀνομάσαι;
- 130** Ἀλλὰ γάρ, ὦ ἄνδρες, βραχὺ τι ὑμᾶς ἀναμνήσαι περὶ Καλλίου βούλομαι. εἰ γὰρ μέμνησθε, ὅτε ἡ πόλις ἦρχε τῶν Ἑλλήνων καὶ εὐδαιμόνει μάλιστα, Ἰππόνικος δὲ ἦν πλουσιώτατος τῶν Ἑλλήνων, 10 τότε μέντοι πάντες ἴστε ὅτι παρὰ τοῖς παιδαρίοις τοῖς μικροτάτοις καὶ τοῖς γυναιόις κληδὼν ἐν ἀπάσῃ τῇ πόλει κατεῖχεν, ὅτι Ἰππόνικος ἐν τῇ οἰκίᾳ ἀλιτήριον τρέφει ὃς αὐτοῦ τὴν
- 131** τράπεζαν ἀνατρέπει. μέμνησθε ταῦτα, ὦ ἄνδρες. πῶς οὖν ἡ φήμη ἢ τότε οὐσα δοκεῖ ὑμῖν ἀποβῆναι; οἰόμενος γὰρ Ἰππόνικος 15 υἱὸν τρέφειν ἀλιτήριον αὐτῷ ἔτρεφεν, ὃς ἀνατέτροφεν ἐκεῖνου τὸν πλοῦτον, τὴν σωφροσύνην, τὸν ἄλλον βίον ἅπαντα. οὕτως οὖν χρὴ περὶ τούτου γινώσκειν, ὥς ὄντος Ἰππονίκου ἀλιτηρίου.
- 132** Ἀλλὰ γάρ, ὦ ἄνδρες, διὰ τί ποτε τοῖς ἐμοὶ νυνὶ ἐπιτιθεμένοις μετὰ Καλλίου καὶ συμπαρασκευάσασιν τὸν ἀγῶνα καὶ χρήματα 20 εἰσενεγκούσιν ἐπ' ἐμοὶ τρία μὲν ἔτη ἐπιδημῶν καὶ ἥκων ἐκ Κύπρου οὐκ ἀσεβεῖν ἐδόκουν αὐτοῖς, μὴ μὲν Ἀ<...> Δελφόν, ἔτι δὲ ἄλλους ξένους ἐμαυτοῦ, καὶ εἰσὼν εἰς τὸ Ἑλευσίνιον καὶ θύων, ὥσπερ ἐμαυτὸν ἄξιον νομίζω εἶναι; ἀλλὰ τοῦναντίον λητουργεῖν οὗτοι προὔβαλλοντο, πρῶτον μὲν γυμνασιάρχον 25 Ἡφαιστίους, ἔπειτα ἀρχιθέωρον εἰς Ἰσθμὸν καὶ Ὀλυμπίαζε· εἴτα δὲ ταμίας <ἦν> ἐν πόλει τῶν ἱερῶν χρημάτων· νῦν δὲ ἀσεβῶ καὶ ἀδικῶ εἰσὼν εἰς τὰ ἱερά;
- 133** Ἐγὼ ὑμῖν ἐρῶ διότι οὗτοι ταῦτα νῦν γινώσκουσιν. Ἀγύρριος γὰρ οὗτοσι ὁ καλὸς κἀγαθὸς ἀρχώνης ἐγένετο τῆς πεντηκο- 30 στῆς τρίτον ἔτος, καὶ ἐπρίατο τριάκοντα ταλάντων, μετέσχον δ' αὐτῷ οὗτοι πάντες οἱ παρασυλλεγέντες ὑπὸ τὴν λεύκην, οὓς ὑμεῖς ἴστε οἱοί εἰσιν· οἱ διὰ τοῦτο ἔμοιγε δοκοῦσι συλλεγῆναι ἐκεῖσε, ἢ αὐτοῖς ἀμφότερα ἦ, καὶ μὴ ὑπερβάλλουσι λαβεῖν
- 134** ἀργύριον καὶ ὀλίγου πραθείσης μετασχεῖν. κερδάναντες δὲ τρία 35 τάλαντα, γνόντες τὸ πρᾶγμα οἷον εἶη, ὥς πολλοῦ ἄξιον,

2 παιδὶ Dobree: παιδίω 12 ἀπάση ap.: ἅπασι κατεῖχεν Blass: κατέσχευεν 16 αὐτῷ ap.: αὐτῷ 22 Ἀ . . . Δελφόν Bekker: ἀδελφόν 25 λητουργεῖν Blass: λειτουργεῖν 27 ταμίας ἦν scripsi: ταμίαν 30 ἀρχώνης Valckenae: ἀρχων, εἰς 32 αὐτῷ Reiske: αὐτοὶ λεύκην, οὓς Muretus: λευκὴν τὸ, πόσους 34 ὑπερβάλλουσι Stephanus: ὑπερβάλλουσι

- συνέστησαν πάντες, καὶ μεταδόντες τοῖς ἄλλοις ἑνωοῦντο πάλιν τριάκοντα ταλάντων. ἐπεὶ δ' οὐκ ἀντωνεῖτο οὐδείς, παρελθὼν ἐγὼ εἰς τὴν βουλὴν ὑπερέβαλλον, ἕως ἐπριάμην ἕξ καὶ τριάκοντα ταλάντων. ἀπελάσας δὲ τούτους καὶ καταστήσας ὑμῖν ἐγγυητὰς ἐξέλεξα τὰ χρήματα καὶ κατέβαλον τῇ πόλει, καὶ αὐτὸς οὐκ ἐζημιώθην, ἀλλὰ καὶ βραχέα ἀπεκερδαίνομεν οἱ μετασχόντες· τούτους δ' ἐποίησα τῶν ὑμετέρων μὴ διανείμασθαι ἕξ τάλαντα 5 ἀργυρίου. ἃ οὗτοι γνόντες ἔδοσαν σφίσιν αὐτοῖς λόγον, ὅτι “Ἄνθρωπος οὕτοσ' οὔτε αὐτὸς λήψεται τῶν κοινῶν χρημάτων οὔθ' ἡμᾶς ἑάσει, φυλάξει δὲ καὶ ἐμποδῶν ἔσται διανείμασθαι τὰ κοινὰ· πρὸς δὲ τούτοις ὃν ἂν ἡμῶν ἀδικοῦντα λάβῃ εἰσάξει εἰς τὸ πλῆθος τὸ Ἀθηναίων καὶ ἀπολεῖ. δεῖ οὖν τοῦτον ἐκποδῶν ἡμῖν 10 εἶναι καὶ δικαίως καὶ ἀδίκως.” ταῦτα μὲν οὖν, ὦ ἄνδρες δικασταί, τούτοις ποιητέα ἦν, ὑμῖν δὲ γε <τὸ> ἐναντίον τούτων. ὥς γὰρ πλείστους εἶναι ὑμῖν ἠθέλον ἂν τοιούτουδε οἴοσπερ ἐγώ, τούτους δὲ μάλιστα <μὲν> ἀπολωλέναι, εἰ δὲ μή, εἶναι τοὺς μὴ ἐπιτρέφοντας αὐτοῖς· οἷς καὶ προσήκει ἀνδράσιν εἶναι καὶ ἀγαθοῖς καὶ δικαίοις περὶ τὸ πλῆθος τὸ ὑμέτερον, καὶ βουλόμενοι δυνήσονται εὖ ποιεῖν ὑμᾶς. ἐγὼ οὖν ὑμῖν ὑπισχνούμαι ἢ παύσειν τούτους ταῦτα ποιοῦντας καὶ βελτίους παρέξειν, ἢ εἰς ὑμᾶς εἰσαγαγὼν κολάσειν 15 τοὺς ἀδικοῦντας αὐτῶν.
- 137 Κατηγορήσαν δέ μου καὶ περὶ τῶν ναυκληριῶν καὶ περὶ τῆς ἐμπορίας, ὥς ἄρα οἱ θεοὶ διὰ τοῦτό με ἐκ τῶν κινδύνων σώσαιεν, ἵνα ἐλθὼν δεῦρο, ὥς ἔοικεν, ὑπὸ Κηφισίου ἀπολοίμην. ἐγὼ δέ, ὦ Ἀθηναῖοι, οὐκ ἀζῶ τοὺς θεοὺς τοιαύτην γνώμην ἔχειν, ὥστ', 25 εἰ ἐνόμιζον ὑπ' ἐμοῦ ἀδικεῖσθαι, λαμβάνοντάς με ἐν τοῖς μεγίστοις κινδύνοις μὴ τιμωρεῖσθαι. τίς γὰρ κίνδυνος μείζων ἀνθρώποις ἢ χειμῶνος ὥρα πλεῖν τὴν θάλατταν; ἐν οἷς ἔχοντες μὲν τὸ σῶμα τοῦμόν, κρατοῦντες δὲ τοῦ βίου καὶ τῆς οὐσίας τῆς ἐμῆς, 138 εἰτα ἔσωζον; οὐκ ἐξῆν αὐτοῖς ποιῆσαι μηδὲ ταφῆς τὸ σῶμα ἀξιωθῆναι; ἔτι δὲ πολέμου γενομένου καὶ τριήρων ἀεὶ κατὰ θάλατταν οὐσῶν καὶ ληστῶν, ὑφ' ὧν πολλοὶ ληφθέντες, ἀπολέσαντες τὰ ὄντα, δουλεύοντες τὸν βίον διετέλεσαν, οὕσης δὲ χώρας βαρβάρου, εἰς ἣν πολλοὶ ἤδη ἐκπεσόντες αἰκίαις ταῖς μεγίσταις περιέπεσον καὶ τὰ σφέτερα αὐτῶν σώματα αἰκισθέντες ἀπέθανον, 35 139 εἰτα οἱ μὲν θεοὶ ἐκ τοσούτων κινδύνων ἔσωζόν με, σφῶν δὲ αὐτῶν

3 ὑπερέβαλλον Ald.: ὑπερέβαλον

12 τὸ Ἀθηναίων Fuhr: τῶν

ἀθηναίων ἡμῖν Reiske: ὑμῖν

14 τὸ add. Valckenaer ὥς Blass: τοὺς

15 ὑμῖν Reiske: ἡμῖν

16 μὲν add. Reiske

19 ποιεῖν ap.: ποιεῖν

30 οὐκ ἐξῆν Stephanus: οὐ πεζῆν

προϋστήσαντο τιμωρὸν γενέσθαι Κηφίσιον τὸν πονηρότατον Ἀθηναίων, ὧν οὗτός φησι πολίτης εἶναι οὐκ ὧν, ᾧ οὐδ' ὑμῶν τῶν καθημένων οὐδεὶς ἂν ἐπιτρέψειεν οὐδὲν τῶν ἰδίων, εἰδὼς τοῦτον οἷός ἐστιν; ἐγὼ μὲν οὖν, ὦ ἄνδρες, ἡγοῦμαι χρήναι νομίζειν τοὺς τοιούτους κινδύνους ἀνθρωπίνους, τοὺς δὲ κατὰ θάλατταν θείους. 5 εἴπερ οὖν δεῖ τὰ τῶν θεῶν ὑπονοεῖν, πάντῃ ἂν αὐτοὺς οἶμαι ἐγὼ ὀργίζεσθαι καὶ ἀγανακτεῖν εἰ τοὺς ὑφ' ἑαυτῶν σφωζομένους ὑπ' ἄλλων ἀπολλυμένους ὀρῶεν.

140 Καὶ μὲν δὴ καὶ τάδε ὑμῖν ἄξιον, ὦ ἄνδρες, ἐνθυμηθῆναι, ὅτι νυνὶ πᾶσι τοῖς Ἑλλήσιν ἄνδρες ἄριστοι καὶ εὐβουλότατοι δοκεῖτε 10 γεγενῆσθαι, οὐκ ἐπὶ τιμωρίαν τραπόμενοι τῶν γεγενημένων, ἀλλ' ἐπὶ σωτηρίαν τῆς πόλεως καὶ ὁμόνοιαν τῶν πολιτῶν. συμφοραὶ μὲν γὰρ ἤδη καὶ ἄλλοις πολλοῖς ἐγένοντο οὐκ ἐλάττους ἢ καὶ ἡμῖν· τὸ δὲ τὰς γενομένας διαφορὰς πρὸς ἀλλήλους θέσθαι καλῶς, τοῦτ' εἰκότως ἤδη δοκεῖ ἀνδρῶν ἀγαθῶν καὶ σωφρόνων 15 ἔργον εἶναι. ἐπειδὴ τοίνυν παρὰ πάντων ὁμολογουμένως ταῦθ' ὑμῖν ὑπάρχει, καὶ εἴ τις φίλος ὧν τυγχάνει καὶ εἴ τις ἐχθρός, μὴ μεταγνώτε, μηδὲ βούλεσθε τὴν πόλιν ἀποστερησαὶ ταύτης τῆς δόξης, μηδὲ αὐτοὶ δοκεῖν τύχῃ ταῦτα μᾶλλον ἢ γνώμῃ ψηφίσασθαι. 20

141 Δέομαι οὖν ἀπάντων (ὑμῶν) περὶ ἐμοῦ τὴν αὐτὴν γνώμην ἔχειν, ἥνπερ καὶ περὶ τῶν ἐμῶν προγόνων, ἵνα κάμοι ἐγγένηται ἐκείνους μιμησάσθαι, ἀναμνησθέντας αὐτῶν ὅτι ὅμοιοι τοῖς πλείστον καὶ μεγίστων ἀγαθῶν αἰτίοις τῇ πόλει γεγέννηται, 25 πολλῶν ἔνεκεν σφᾶς αὐτοὺς παρέχοντες τοιούτους, μάλιστα δὲ τῆς εἰς ὑμᾶς εὐνοίας, καὶ ὅπως, εἴ ποτέ τις αὐτοῖς ἢ τῶν ἐξ ἐκείνων τινὶ κίνδυνος γένοιτο ἢ συμφορὰ, σφύζοντο συγγνώμης

142 παρ' ὑμῶν τυγχάνοντες. εἰκότως δ' ἂν αὐτῶν μεμνήσθαι· καὶ γὰρ τῇ πόλει ἀπάσῃ αἱ τῶν ὑμετέρων προγόνων ἀρεταὶ πλείστου ἄξιαι ἐγένοντο. ἐπειδὴ γάρ, ὦ ἄνδρες, αἱ νῆες διεφθάρησαν, πολλῶν βουλομένων τὴν πόλιν ἀνηκέστοις συμφοραῖς 30 περιβαλεῖν, Λακεδαιμόνιοι ἔγνωσαν ὅμως τότε ἐχθροὶ ὄντες σφῶν τὴν πόλιν διὰ τὰς ἐκείνων τῶν ἀνδρῶν ἀρετὰς, οἱ ὑπῆρξαν τῆς ἐλευθερίας ἀπάσῃ τῇ Ἑλλάδι. ἐπειδὴ τοίνυν καὶ ἡ πόλις ἐσώθη δημοσίᾳ διὰ τὰς τῶν προγόνων τῶν ὑμετέρων ἀρετὰς, 35 ἀξίῳ κάμοι διὰ τὰς τῶν προγόνων τῶν ἐμῶν ἀρετὰς σωτηρίαν

6 πάνν Reiske: πολὺ 15 ἥδη: δὴ Sluiter 16 ταῦθ' Stephanus: τάθ'
18 βούλεσθε Taylor: βουλεύεσθε 21 ὑμῶν add. Reiske 27 γένοιτο
Dobree: γένηται 28 μεμνήσθε Schneider: μεμνησθαι 29 et 35 ὑμε-
τέρων Reiske: ἡμετέρων 36 κάμοι Ald.: καὶ μοι

γενέσθαι. καὶ γὰρ αὐτῶν τῶν ἔργων δι' ἅπερ ἡ πόλις ἐσώθη οὐκ ἐλάχιστον μέρος οἱ ἐμοὶ πρόγονοι συνεβάλοντο· ὧν ἕνεκα καὶ ἐμοὶ δίκαιον ὑμᾶς μεταδοῦναι τῆς σωτηρίας, ἥσπερ καὶ αὐτοὶ παρὰ τῶν Ἑλλήνων ἐτύχετε.

- 144** Σκέψασθε τοίνυν καὶ τάδε, ἂν με σώσητε, οἷον ἔξετε πολίτην· 5
ὃς πρῶτον μὲν ἐκ πολλοῦ πλούτου, ὅσον ὑμεῖς ἴστε, οὐ δι' ἐμαυτὸν ἀλλὰ διὰ τὰς τῆς πόλεως συμφορὰς εἰς πενίαν πολλὴν καὶ ἀπορίαν κατέστην, ἔπειτα δὲ καινὸν βίον ἡργασάμην ἐκ τοῦ δικαίου τῇ γνώμῃ καὶ τοῖν χεροῖν τοῖν ἐμαντοῦ· ἔτι δὲ εἰδότα μὲν οἷόν ἐστι πόλεως τοιαύτης πολίτην εἶναι, εἰδότα δὲ οἷόν ἐστι ξένον **10**
- 145** εἶναι καὶ μέτοικον ἐν τῇ τῶν πλησίων, ἐπιστάμενον δὲ οἷον τὸ σωφρονεῖν καὶ ὀρθῶς βουλευέσθαι, ἐπιστάμενον δ' οἷον τὸ ἀμαρτάνοντα πράξει κακῶς· < . . > πολλοῖς συγγενόμενος καὶ πλείστων πειραθείς, ἀφ' ὧν ἐμοὶ ξενίαι καὶ φιλότῃτες πρὸς πολλοὺς καὶ βασιλέας καὶ πόλεις καὶ ἄλλους ἰδίᾳ ξένους γεγένη- **15**
ται, ὧν ἐμὲ σώσαντες μεθέξετε, καὶ ἔστιν ὑμῖν χρῆσθαι τούτοις, ὅπου ἂν ἐν καιρῷ τι ὑμῖν γίγνηται.
- 146** Ἐχει δὲ καὶ ὑμῖν, ὦ ἄνδρες, οὕτως· ἕάν με νυνὶ διαφθείρῃτε, οὐκ ἔστιν ὑμῖν ἔτι λοιπὸς τοῦ γένους τοῦ ἡμετέρου οὐδεὶς, ἀλλ' οἴχεται πᾶν πρόρριζον. καίτοι οὐκ ὄνειδος ὑμῖν ἔστιν ἡ Ἀνδοκί- **20**
δου καὶ Λεωγόρου οἰκία οὕσα, ἀλλὰ πολὺ μᾶλλον τότ' ἦν ὄνειδος, ὅτ' ἐμοῦ φεύγοντος Κλεοφῶν αὐτὴν ὁ λυροποιὸς ᾤκει. οὐ γὰρ ἔστιν ὅστις πώποτε ὑμῶν παριῶν τὴν οἰκίαν τὴν ἡμετέραν
- 147** ἀνεμνήσθη ἢ ἰδίᾳ τι ἢ δημοσίᾳ κακὸν παθὼν ὑπ' ἐκείνων, οἱ πλείστας μὲν στρατηγήσαντες στρατηγίας πολλὰ τρόπαια τῶν **25**
πολεμίων καὶ κατὰ γῆν καὶ κατὰ θάλατταν ὑμῖν ἀπέδειξαν, πλείστας δὲ ἄλλας ἀρχὰς ἄρξαντες καὶ χρήματα διαχειρίσαντες τὰ ὑμέτερα οὐδὲν [ἂν] πώποτε ὤφλον· οὐδ' ἡμάρτηται οὐδὲν οὔτε ἡμῖν εἰς ὑμᾶς οὔτε ὑμῖν εἰς ἡμᾶς, οἰκία δὲ πασῶν ἀρχαιοτάτῃ καὶ κοινοτάτῃ αἰὲ τῷ δεομένῳ. οὐδ' ἔστιν ὅπου ἐκείνων τις τῶν **30**
ἀνδρῶν καταστὰς εἰς ἀγῶνα ἀπήτησεν ὑμᾶς χάριν τούτων τῶν
- 148** ἔργων. μὴ τοίνυν, εἰ αὐτοὶ τεθνῶσι, καὶ περὶ τῶν πεπραγμένων αὐτοῖς ἐπιλάβησθε, ἀλλ' ἀναμνησθέντες τῶν ἔργων νομίσате τὰ σώματα αὐτῶν ὁρᾶν αἰτουμένων ἐμὲ παρ' ὑμῶν σώσαι. τίνα γὰρ καὶ ἀναβιβάσομαι δεησόμενον ὑπὲρ ἐμαντοῦ; τὸν πατέρα; ἀλλὰ **35**
τέθνηκεν. ἀλλὰ τοὺς ἀδελφούς; ἀλλ' οὐκ εἰσὶ. ἀλλὰ τοὺς παῖδας;
- 149** ἀλλ' οὕτω γεγένηται. ὑμεῖς τοίνυν καὶ ἀντὶ πατρὸς ἐμοὶ καὶ

8 καινὸν Emperius: καὶ ἡργασάμην Blass: εἰργασάμην 9 τοῖν bis
Marchant: ταῖν 13 lacunam Reiske 20 ὑμῖν ap.: ἡμῖν 28 ἂν
del. Sluiter: οὐδένα Blass

ἀντὶ ἀδελφῶν καὶ ἀντὶ παίδων γένεσθε· εἰς ὑμᾶς καταφεύγω καὶ ἀντιβολῶ καὶ ἱκετεύω· ὑμεῖς με παρ' ὑμῶν αὐτῶν αἰτησάμενοι σώσατε. καὶ μὴ βούλεσθε Θετταλοὺς καὶ Ἀνδρίους πολίτας ποιεῖσθαι δι' ἀπορίαν ἀνδρῶν, τοὺς δὲ ὄντας πολίτας ὁμολογου- 5 μένως, οἷς προσήκει ἀνδράσιν ἀγαθοῖς εἶναι καὶ βουλόμενοι δυνήσονται, τούτους δὲ ἀπόλλυτε. μὴ δῆτα. ἔπειτα καὶ ταῦθ' ὑμῶν δέομαι, εὖ ποιῶν ὑμᾶς ὑφ' ὑμῶν τιμᾶσθαι. ὥστ' ἐμοὶ μὲν πειθόμενοι οὐκ ἀποστερεῖσθε εἴ τι ἐγὼ δυνήσομαι ὑμᾶς εὖ ποιεῖν· ἐὰν δὲ τοῖς ἐχθροῖς τοῖς ἐμοῖς πεισθῇτε, οὐδ' ἂν ὑστέρω χρόνῳ 15 ὑμῖν μεταμελήσῃ, οὐδὲν ἔτι πλέον ποιήσετε. μὴ τοίνυν μήθ' ὑμᾶς αὐτοὺς τῶν ἀπ' ἐμοῦ ἐλπίδων ἀποστερήσῃτε μήτ' ἐμὲ τῶν εἰς ὑμᾶς.

Ἀξιώ δ' ἔγωγε τούτους, οἵτινες ὑμῖν ἀρετῆς ἤδη τῆς μεγίστης εἰς τὸ πλῆθος τὸ ὑμέτερον ἔλεγχον ἔδοσαν, ἀναβάντας ἐνταυθοὶ συμβουλευεῖν ὑμῖν ἃ γινώσκουσι περὶ ἐμοῦ. δεῦρο, Ἄνυτε, 15 Κέφαλε, ἔτι δὲ καὶ οἱ φυλέται οἱ ἡρημένοι μοι συνδικεῖν, Θράσυλλος καὶ οἱ ἄλλοι.

2 ὑμῶν ἀρ.: ὑμῖν
Valckenaer: εἰρημένοι

8 ἀποστερεῖσθε ἀρ.: ἀποστερεῖσθαι

16 ἡρημένοι

COMMENTARY

Περὶ τῶν μυστηρίων: Some (e.g. Jebb *AOi* 113, Schmid 137 note 2) find fault with the title on the ground that the profanation of the Mysteries in 415 is only one of the topics of the speech. It is true that in 10 the expression *περὶ τῶν μυστηρίων* clearly refers to the profanation in 415, but it is perhaps possible that the title refers not to the Mysteries of 415 but to those of 400; the main charge against And. was that he had attended the Mysteries in 400 when forbidden to do so by the decree of Isotimides.

The speech also had an alternative title, *Περὶ τῆς ἐνδείξεως*. (Harpokration, under *ζητήτης*, refers to it thus.) *Life of And.* 13-14 refers to *Περὶ τῶν μυστηρίων* and *Περὶ τῆς ἐνδείξεως* as distinct speeches, but this is probably a mistake. Because *Ag. And.* 30 says *δὲς ἐν τῷ αὐτῷ ἐνδέδεικται*, it has been suggested that And. was tried twice, and that he made the speech *Περὶ τῆς ἐνδείξεως* at the first trial and *Περὶ τῶν μυστηρίων* at the second. But (a) if And. had been condemned at an earlier trial the second would not have taken place, while if he had been acquitted he would certainly have said so in our speech, (b) the vague expression *δὲς ἐν τῷ αὐτῷ* may mean only that at the one trial And. faced two charges, namely that he had infringed the decree of Isotimides, and that he had placed a suppliant-branch on the Eleusinion altar during the Mysteries.

1-10. Introduction.

1. This section (except *ὥστ' ἐμὲ . . . ταυτηνὴν*) and also 6 and 7 and the second half of 9 seem to be taken from some collection of introductory passages for orators. The same passages (not quite word for word) are used by Lys. 19. 2-5 and 11, and some have detected reminiscences of them elsewhere (e.g. Ais. 3. 1).

μέν: And. often inserts *μέν* with the first item of an account or explanation without having any clear idea of what the answering *δέ*-clause will be. Sometimes the *δέ*-clause provides only an inexact contrast (as here *Τὴν μὲν παρασκευὴν . . . ἐγὼ δέ, 41 δύο μὲν τάλαντα . . . ἐὰν δέ κατάσχωμεν*, etc.). Sometimes (especially after *πρῶτον μὲν*) there is no *δέ*-clause at all. These loose uses of *μέν* occur also in other authors, but they are particularly common in And. (Cf. Introduction VI, Denniston 371-2, 380-4.)

παρασκευὴν suggests bribery; cf. 105 *παρασκευάζεσθαι*, 123 *παρασκευάζειν*. It is common for an Attic orator to point to the elaborate preparations made by his opponent, implying that such preparations

would be unnecessary if the case were not weak. And. wants to make out that he is the victim of a plot; cf. 121-3.

καὶ δικαίως καὶ ἀδίκως: 'by fair means or foul'. This cliché recurs in 135. And.'s use of the words *δίκαιος* and *ἀδικος* is analysed by Wolf 172-4.

ἀφικόμην: And.'s return to Athens in 403.

ὁμῖν τε . . . : The infinitives explain the adjectives: 'easy for you to grant and valuable for me to get'.

2. ἐνθυμηθῆναι: sc. δεῖσομαι ὑμῶν.

ἦκω: 'I have come into court'.

παρμεῖναι: 'to remain in Athens'.

ἐγγυητὰς καταστήσας: 'having given sureties', persons who guaranteed that the accused man would appear for trial. Normally a person accused by ἔνδειξις or ἀπαγωγή was imprisoned until his trial (D. 24. 146, quoting from a law: τὸν δ' ἐνδειχθέντα ἢ ἀπαχθέντα δησάντων οἱ ἑνδεκα ἐν τῷ ξύλῳ). But, except in the case of certain specific offences, he had to be released if he provided as sureties three persons of the same property-class as himself (D. 24. 144, quoting what he calls a law, but what looks more like part of the oath of the Eleven: οὐδὲ δῆσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελούντας, πλὴν εἴαν τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνίων ἀλώ, ἢ τέλος πριάμενος ἢ ἐγγυησάμενος ἢ ἐκλέγων μὴ καταβάλλῃ). If after providing sureties the accused man failed to appear for trial, the sureties, in some cases at least, suffered in his place the punishment due to him (44; notice that the clause οὓς ἔδει . . . refers only to the sureties of Mantiheos and Apsephion, and does not prove that this rule applied to all sureties in all kinds of case. That the rule applied also to the sureties of Agoratos seems to be implied, though it is not explicitly stated, in Lys. 13. 23-26).

Why And. was neither imprisoned nor required to provide sureties is not explained. But perhaps this concession was deliberately made to him by the prosecution in order to make it easy for him to leave Athens to avoid trial. His departure from Athens would enable Kallias to achieve all he wanted (see Introduction IV) without the trouble of bringing the case to trial (not to mention the risk that at a trial And. might be acquitted).

ὑπὸ δεσμῶν: cf. Lys. 13. 87 ἀναγκασθέντες ὑπὸ τῆς σῆς ἀπογραφῆς ἀπέθανον. See Kühner-Gerth *Griechische Grammatik* i* 523, and (for a summary of the kinds of noun and verb with which this use of ὑπὸ with a 'non-personal agent' is possible) Marchant's note on Th. 2. 47. 4.

τῷ δικαίῳ: 'justice'. *δικαιοσύνη* is not used by any Attic writer before Plato.

γνώσεσθαι τὰ δίκαια: 'that you will make the right decision'.

κατά τε τοὺς: *κατά τοὺς τε* might be expected, but see Denniston 518.

ὄρκους: For the oath sworn by jurymen to try cases justly, see Bonner and Smith ii 152-6.

3. τῶν ἐθελόντων . . . : 'those who voluntarily put themselves in danger'. ἐθέλων, like ἐκών, is often equivalent to an adverb, and may therefore be used to modify another participle. It is not necessary to write ἐθελοντῶν, as some editors do.

ὑπομείναι: 'to stay to face trial'; cf. 121, Lys. 20. 6.

τοί is rare in the orators (except Antiphon), and occurs only here in And. (Denniston 539).

μηδὲν ἀδικεῖν: 'that they are not guilty'. If ἀδικεῖν meant 'do wrong' we should expect a past infinitive; that we have the present shows that here, as often, it means 'be a wrongdoer', 'be guilty'. So also in 31, 49, 110; and cf. ἀσεβεῖν meaning 'be guilty of impiety' in 31, 32, and φεύγειν 'be in exile' in 25 and elsewhere.

4. αὐτίκα: 'for instance'.

ὥς ἄρα commonly introduces a statement made by another person, which the speaker does not himself believe; cf. 54, 137.

ἂν ὑπομείναιμι: ἂν shows that a condition ('if I were accused') is to be understood. But the indicative οἰχήσομαι is an unconditional statement, indicating greater confidence than the optative with ἂν; And.'s enemies are supposed to have said 'And. would not stay to face trial but will go into exile.' In English, unfortunately, when this statement is made indirect, 'will' becomes 'would', so that the difference of mood in the Greek becomes obscured unless we insert some word like 'certainly': 'that my enemies were saying that I would not remain to face trial but would certainly go into exile'.

Τί γάρ . . . : And. interrupts his sentence to quote what his enemies said, and the quotation lasts so long that at the end of it he does not resume the original sentence (which therefore lacks a main verb) but starts a fresh one with ἐγὼ δέ.

καί, following an interrogative word and preceding a participle expressing the ground or motive of an action, implies that the motive does not exist and the action is pointless. Cf. Denniston 315. 'What would be the *point* of And.'s remaining to face so serious a trial?'

Ἀνδοκίδης: And. usually omits the article with proper names. Sometimes however he inserts it for no evident reason (compare 65 τὸν Διοκλείδην with 66 Διοκλείδην), and he regularly inserts it with the words Ἑλλάς and Ἕλληνες (e.g. 32, 107), names of buildings (e.g. 40; contrast 78, which is not written by And.), and to attach a genitive to a proper name (e.g. 40).

διδομένη: 'offered', contrasted with *ὑπάρχουσα*, 'which he already has'. We cannot tell who was offering And. land. Euagoras, king of Salamis in Cyprus, was eager to attract Greek settlers (Isok. 9. 50-51), but And. seems to have been on bad terms with him (*Ag. And.* 28).

δωρεὰ: probably a gift of money. This passage is often emended, e.g. *δεδομένη ἐν δωρεῇ* Koepke; but I see no need for anything more drastic than a change of accent.

σώματος: 'life'. Punishment of a man's 'body' may mean either execution (so here, 5, 105) or merely depriving him of certain rights of action (74, 123).

ὡς διάκειται: Athens after the Peloponnesian War and the oligarchic revolutions was not attractive to a prosperous merchant.

πολύ τὴν ἐναντίαν: Dalmeyda cut out *τὴν*, but cf. Pl. *Ap.* 39c.

5. **τε . . . δ'**: cf. 58 and Denniston 513-14. Many editors divide the sentence differently by writing *τῆς <τε> πόλεως* or *τῆς <δὲ> πόλεως*, while expelling *δ'* or substituting some non-connective particle for it. But this spoils the sentence. And. contrasts *ἄλλοθι ὧν* with *αὐτῆς πολίτης εἶναι*, *στερόμενος τῆς πατρίδος* with *ἡ ἐτέρων πόλεων*, and *οὕτω διακειμένης* with *εὐτυχεῖν*. Emendation destroys the balance.

στερόμενος τῆς πατρίδος: Hyp. 1. 20 goes further still, regarding exile as worse than death: . . . *κινδυνεύοντι οὐ μόνον περὶ θανάτου (ἐλάχιστον γὰρ τοῦτό ἐστιν τοῖς ὀρθῶς λογιζομένοις) ἀλλ' ὑπὲρ τοῦ ἐξορισθῆναι καὶ ἀποθανόντα μηδὲ ἐν τῇ πατρίδι ταφῆναι*. On the Greeks' horror of exile cf. Jones 120.

αὐτοὶ implies that for the sake of argument And. accepts his opponents' view of the condition of Athens: 'even granting that Athens is in as bad a state as my opponents say'.

6. **διαβολῆς**: 'prejudice against me'.

7. **ὕμᾱς πολὺ ἂν ἥδιον δίκην λαβεῖν**: A prosecutor who failed to obtain at least one-fifth of the jury's votes at the end of the case was in fact liable to punishment. In public cases he paid a fine of 1,000 drachmas and also suffered 'loss of rights' (*ἀτιμία*). This evidently included loss of the right to bring prosecutions of the same type in future (D. 26. 9, cf. 76 *ἐτέροις οὐκ ἦν γράψασθαι, τοῖς δὲ ἐνδείξαι*); that it might also involve the loss of other rights is shown by 33 *οὐκ ἔξεστιν αὐτῷ εἰς τὸ ἱερὸν τοῖν θεοῖν εἰσιέναι*. But it did not mean loss of all citizen-rights; this is shown by D. 57. 8, where it is stated that Euboulides failed to obtain one-fifth of the votes as prosecutor in a *γραφὴ ἀσεβείας* and afterwards was a member of the council. A *γραφὴ συκοφαντίας* could also be brought against such a prosecutor. In some private cases concerning money or property a plaintiff who failed to obtain one-fifth of the votes had to pay his opponent one-sixth of the

sum at issue (*ἐπωβελία*, one obol per drachma). Cf. Bonner and Smith ii 56-58.

ἐάλωσαν παρ' ὑμῖν: 'have been convicted before you'; that is, by a jury. Since the present jury is a body representing the whole Athenian people (*δῆμος*), And. constantly uses *ὑμεῖς* to refer either to the whole people or to any other representative body of them, such as the assembly or another jury. So in 13, for example, he can say 'You condemned them to death' even though it is quite possible that not a single member of the jury whom he is now addressing took part in that trial in 415; and in 81 he can say 'You returned from Peiraeus' when referring to the return of the democratic party (*δῆμος*) to Athens in 403, even though it is quite likely that some members of the jury he is now addressing were then in the opposite party.

ψευδομαρτυριῶν: A witness who gave false or illegal evidence was liable to prosecution by a *δίκη ψευδομαρτυριῶν*. If convicted, he was liable to a fine; if he was convicted on a charge of this kind on three separate occasions, he suffered loss of rights, as described in 74. Whether loss of rights could be imposed for an offence before the third remains doubtful. 74 and Hyp. 2. 12 are against this view. Ant. 2. 4. 7 and D. 29. 16 speak only in general terms, and in other instances (Lys. 10. 22, Is. 5. 19, D. 29. 50) it cannot be shown that the perjurer did not have two previous convictions. Lämmli 134 note 2 suggests that it may have been imposed for the first offence only if the false evidence had been given in certain kinds of case, such as *εἰσαγγελία* and *διαμαρτυρία*. Cf. G. M. Calhoun *Ἐπίσκεψις and the δίκη ψευδομαρτυριῶν in Classical Philology* xi (1916) 365-94, Bonner and Smith ii 261-9, Lämmli 129-45.

οὐδὲν ἦν ἔτι πλέον τοῖς πεπονθόσιν: 'it was no longer of any advantage to their victims'. (The same words are repeated in Lys. 19. 4, and the same point is made in Ant. 5. 95.) Why And. says this is not clear. *ἐάλωσαν παρ' ὑμῖν* must surely refer to conviction by a jury, not just discovery long afterwards, and a *δίκη ψευδομαρτυριῶν* had to be initiated before the jury voted in the case in which the allegedly false evidence had been given (*Ath. Pol.* 68. 4). If the witness was convicted, the original case was retried (Is. 11. 45-46). Why should this be no longer of advantage? Makkink suggests that in 400 the rule mentioned in *Ath. Pol.* 68. 4 had not yet been introduced, so that conviction for giving false evidence might occur long after the trial in which the evidence was given. Lämmli takes the view that retrial was permitted only in a certain few types of case, and that the normal result of a successful *δίκη ψευδομαρτυριῶν* was the punishment of the false witness, but not annulment of the verdict in the original case. It is also possible that the verdict in the original case might be executed before the

hearing of the *δίκη ψευδομαρτυριῶν*; D. 47. 49 shows that this happened in one case at least (though admittedly this was not a case involving the death penalty).

8. *τῶν τελευταίων λόγων*: not 'the last words I have just spoken', for they concerned the untruthfulness of the accusation against And., not its illegality; nor 'the last words the accusers spoke', because that would require the addition of *τῶν κατηγορῶν* or *τούτων* to make it clear, and besides *Ag. And.* does not end, and the other speeches of And.'s accusers are unlikely to have ended, with remarks about the prosecution, still less about its illegality; and perhaps not 'the speeches which you have just heard', since proof of the illegality of the prosecution would refer not so much to the speeches made at the trial as to the events which led up to it; but 'the most recent matters', 'the end of the story'. (For this sense of *λόγος*, see LSJ *λόγος* VIII.) And. will have to give an account of his life since 415, in which the latest event is the prosecution, and he intends to explain to the jury how this illegal prosecution came to be brought. He actually does this in 117-23 and 132-6.

παράνομως: And. means that the prosecution is illegal because the decree of Isotimides is no longer valid.

τοῦ ψηφίσματος τοῦ Ἰσοτμίδου: This decree forbade those who were guilty of impiety and had confessed it to enter the temples and agora of Athens; see 71, *Ag. And.* 9 and 24, and Introduction I.

τῶν νόμων καὶ τῶν ὄρκων: of 405-3, described in 73-91.

ἦ . . . εἴτε: cf. *E. Alk.* 115, *Pl. Kriti.* 115a. The unexpected switch to *εἴτε* puts the final alternative into a distinct category from the others; starting from the beginning of the story is contrasted with various methods of plunging *in medias res*. This distinction is marked also by the insertion of *καὶ*, and by the fact that *εἴτε* has its own verb *διδάξω* (aor. subj.), whereas with *πότερον . . . ἦ . . . ἦ* we have to understand *χρὴ ἄρξασθαι* from the beginning of the sentence. 'Or, again, whether I should explain right from the beginning.'

9. *μὲν . . . δὲ* contrast a just decision, which the jury will in any case (*καὶ αὐτοὺς*) try to make, without prompting from And., with a favourable hearing, for which he thinks it necessary to ask (*δέομαι*).

οἷσπερ: The antecedent is not *τὰ δίκαια* (as Marchant suggests) but *ὑμᾶς*. This is shown by the following phrase *ὁρῶν ὑμᾶς . . .*; contrast *Ant.* 5. 93 *πιστεύων τῷ δικάῳ*, where the following clause refers to *τῷ δικάῳ*.

συνέχει τὴν πόλιν: cf. *E. Sup.* 312-13:

*τὸ γὰρ τοι συνέχον ἀνθρώπων πόλεις
τοῦτ' ἔσθ', ὅταν τις τοὺς νόμους σῶζῃ καλῶς.*

οὐ, instead of μή, shows that And. is referring to some particular persons (his prosecutors and their friends), not to a whole class. He means not 'it holds the state together, against the will of those who do not wish it to be held together', which would be a feeble tautology, but 'it holds the state together, to the frustration of certain persons who desire its dissolution'.

μου: objective genitive. Cf. Pl. *Grg.* 485a εὐνοία τῇ ἑαυτοῦ, 'selfishly'.

ἀντιδίκους and ἀκροασμένους agree with ὑμᾶς understood as subject of the infinitives. This change of case from genitive to accusative occurs regularly with δέομαι ὑμῶν; cf. 37, 141. In 12 there is a similar change from dative to accusative after ἔδοξε.

θηρεύειν: 'seize on', 'try to catch out', find fault with a speech by picking on verbal mistakes. Cf. Pl. *Grg.* 489b ὀνόματα θηρεύων, *Th.* 166c. The whole phrase closely resembles Ant. 6. 18 θηρεύειν καὶ ἐπὶ σμικρὸν ὑπονοεῖν τὰ λεγόμενα; perhaps both orators got the idea from the collection of introductory passages mentioned in my note on 1.

διὰ τέλους: 'from beginning to end', the more usual meaning (e.g. A. *Pr.* 273, S. *Ai.* 685, Ant. 5. 42, Isok. 5. 24); 'always' (e.g. Pl. *Phlb.* 36e) is less common.

τότε ἤδη: 'then at last', 'only then' (as in A. *Pr.* 911, Lys. 12. 66); not 'then already', 'by then' (as in *Il.* 2. 699).

10. ἔνδειξις is a formal initiation of legal proceedings, whereas αἰτία is any accusation, formal or informal, in or out of court.

περὶ τῶν μυστηρίων, referring to the profanation in 415, is not in direct apposition to περὶ αὐτῆς τῆς αἰτίας, but is a subdivision of it, since the αἰτία included also the mutilation of the Hermai.

11-33. The profanation of the Mysteries in 415. The truthfulness of this account is discussed in Appendix A, and the chronology in Appendixes E and F.

11. ἐκκλησία: This meeting was evidently after the mutilation of the Hermai and very shortly before the start of the Sicilian expedition. The next words perhaps imply that it was not a regular meeting (ἐκκλησία κυρία) but one specially called (ἐκκλησία σύγκλητος).

Λαμάχῳ: Lamachos was primarily a soldier, not a politician. He is satirized as a blustering warrior by Aristophanes (especially as a character in the *Acharnians*), but is mentioned with approval and respect after his death (Ar. *Thes.* 841, *Frogs* 1039, Pl. *La.* 197c), and Plutarch calls him brave and honest (*Nik.* 15. 1, *Alk.* 18. 2). He accompanied Perikles to the Black Sea, presumably as a general, about 436 (Plu. *Per.* 20. 1), and is mentioned as a general again in the Black Sea in 424 (*Th.* 4. 75. 1). So in 415 he is likely to have been aged 50 or more. (I do not agree with Gomme *Commentary on Thucydides*

iii 537 that Ar. *Ach.* 601 contradicts this assumption; for *νεανίας* here need mean no more than 'vigorous', 'active', as in E. *Ion* 1041, D. 18. 313, and could be applied to a man in his forties.) When the fleet reached Sicily he advocated a vigorous strategy, but he was killed fighting in 414.

ποιούντα: And. very often uses historic presents in indirect speech, sometimes (e.g. 41-42) intermingling them with aorists.

ἐν οἰκίᾳ: emphatic; the real Mysteries could be celebrated only in the temple at Eleusis.

μεθ' ἐτέρων: μεθ' ἐταίρων is suggested by Hatzfeld *Alcibiade* 163 note 4, on the ground that 'with others' would be μετ' ἄλλων. This ground is inadequate; cf. Th. 6. 75. 4, Pl. *Ep.* 7. 324e. Yet the emendation may still be right; on the proneness of the ms. to confuse αἰ and ε (e.g. 142, 149), see Dalmeyda xxxiii note 2. If it is right, I do not agree with Hatzfeld that it means 'avec les membres de son hétairie'; that would be μετὰ τῶν ἐταίρων. It simply means 'with some friends'.

ἄδειαν: 'immunity'. An offender might be excused punishment, by vote of the assembly, if he gave information against his accomplices; but if his information was found to be false, the penalty was death (20). Andromachos evidently feared that he might be charged as an accomplice. (This seems more likely than Marchant's view that metics, slaves, and women had to receive immunity before they could address the assembly or council. Teukros received immunity (15) because he was guilty, not because he was a metic, and there is no evidence in 16-17 that Agariste and Lydos had to be given immunity.)

ἄμύητος ὧν ἐρεῖ τὰ μυστήρια: He knows what the Mysteries are, although he has no right to know.

χρήσθε ἐμοὶ ὃ τι ἂν . . . : 'give me whatever treatment . . .'. Hickie emended ἐμοὶ τοι. Yet there may be a point in the use of the emphatic form: 'if Alcibiades is innocent, then punish me instead'.

12. τοῖς πρυτάνεσι: The council of five-hundred consisted of fifty representatives of each of the ten tribes. Each fifty were the πρυτάνεις ('presidents') for one πρυτανεία, which was one-tenth of the council's year of office (i.e. about 36 days, but the exact number varied), and for this period were a kind of standing committee of the council, in charge of day-to-day affairs. Each day one of them was the πρύτανης (or ἐπιστάτης) and presided over any meeting of the council or assembly on that day; no man was permitted to hold this position more than once. The πρυτανεῖον, on the northern side of the akropolis, may have been their headquarters at one time (schol. on Th. 2. 15. 2; however, this statement is rejected by, for example, R. E. Wycherley *The Athenian Agora* iii: *Testimonia* (Princeton, 1957) 172); but soon

after the Persian Wars a new building, known as the *θόλος* because of its circular shape, was erected for them next to the *βουλευτήριον* (council-chamber) at the south-west corner of the agora. From then on the tholos was their headquarters, but the prytaneion also remained in use for various official purposes. The tholos has been excavated; the most convenient summary of the results of the excavation will be found in I. T. Hill *The Ancient City of Athens* 55–61. Further references which illustrate the functions of the presidents and of these buildings are made in 45, 46, 64, 78, 111.

τοὺς ἀμυήτους μεταστήσασθαι: 'to send away the uninitiated', to prevent them from learning any secrets of the Mysteries which the slave might reveal in the course of his evidence.

αὐτοὺς δ' ἰέναι: 'and to go themselves'. For the accusative, see note on 9 ἀντιδίκους, and cf. E. *Med.* 1236–8, X. *An.* 3. 2. 1.

δ: i.e. ἐφ' ὃ ἰέναι. Marchant suggests ὄν, comparing Pl. *La.* 180e.

Ἀλκιβιάδου [πολέμαρχον]: I assume that πολέμαρχον originated from a gloss on Ἀλκιβιάδου written by someone who did not realize that in 415 the commander of a military or naval expedition was not the polemarch, and who wished to distinguish this Alkibiades from (for example) the one mentioned in 65. Among the emendations that have been suggested are [Ἀλκιβιάδου] Πολεμάρχου (Reiske), Ἀρχεβιάδου τοῦ πολεμάρχου (Lipsius), Ἀρχεβιάδου τοῦ Πολεμάρχου (Marchant), Ἀρχεβιάδου πρὸς τὸν πολέμαρχον (Helbig). But it is wrong to discard Ἀλκιβιάδου; it is clearly to Alkibiades that Andromachos belonged. Only four slaves were present altogether: Andromachos, his brother, a flautist, and the slave of Meletos. Evidently these (except for the flautist) were personal attendants; Andromachos and his brother presumably belonged to the same master; what master would be so ostentatious as to bring two personal attendants when the others present had only one or none? Surely none but Alkibiades. Why then did Pythonikos in his original speech (11) not say that the master was Alkibiades, but merely ἐνὸς τῶν ἐνθάδε ἀνδρῶν? Probably he did not wish to reveal the slave's identity until he had seen the reaction of the assembly to his first announcement.

Πουλυτίωνος: Poulytion's house was a magnificent one (Pl. *Eryx.* 400b) in a stoa by the road leading to the Thrasian gate (later known as the Dipylon), on the west side of the city (Paus. 1. 2. 5). Isok. 16. 6 also mentions this celebration in Poulytion's house; he adds the detail *συνδειπνοῦντες*, which indicates that the affair was a party game rather than a religious *séance*.

Pherekrates 58 mentions that Poulytion's house is mortgaged:

οὐχ ὀρᾷς τὴν οἰκίαν
τὴν Πουλυτίωνος κειμένην ὑπὸ βόλον;

Since this fragment comes from a comedy named *The Kitchen, or The All-night Festival* ('Ιπνὸς ἢ Παννυχίς), it seems very likely that we have in it a reference to the Mysteries affair, and that it should be assigned to a date soon after 415. (March 415, suggested by Edmonds *The Fragments of Attic Comedy* i 229, is too early.)

οὖν: 'and'. Cf. Denniston 471-2.

Μέλητον: see Appendix M.

τούτους μὲν: Other instances of the repetition of μὲν are given by Denniston 385; cf. 149 τούτους δέ.

αὐτοὺς goes with τοὺς ποιοῦντας: 'the actual performers'. And. means that these three played the parts of hierophant, dadouchos, and herald.

ἐαυτόν: an accusative, instead of a nominative, because it is in apposition to δούλους; contrast 42 αὐτός.

13. ἀπέγραψε: 'denounced' in writing.

Πολύστρατος μὲν . . . : These events did not occur until some considerable time later; see Appendix E.

καὶ μοι λαβέ: addressed to the clerk of the court. μοι is an 'ethic' dative: 'please'.

ΟΝΟΜΑΤΑ: The property of those condemned in the cases of the Mysteries and the Hermai was confiscated and sold by the official sellers of state property (πωληταί). Records of the sales were inscribed on stone and set up in the Eleusinion as permanent reminders of the punishment of the guilty. Some fragments of these stelai were published as *IG* i² 325-34, but since then other fragments have been found. All have been re-edited by W. Kendrick Pritchett *The Attic Stelai* i (in *Hesperia* xxii (1953) 225-99; text reproduced as *SEG* xiii 12-22, with a few corrections and supplements as *SEG* xvi 13 and in *Hesperia* xxx (1961) 23-29). They include the names of the following condemned persons:

Ἀδείμαντος Λευκολοφίδου Σκαμβωνίδης

Ἀλκιβιάδης Κλειίου Σκαμβωνίδης

Ἀλκιβιάδης Φηγούσιος

Ἀξίοχος Ἀλκιβιάδου Σκαμβωνίδης

Εὐρύμαχος Εὐ - - -

Εὐφίλητος Τιμοθέου Κυδαθηναίεύς

Ἡφαιστόδωρος

Κηφισόδωρος μέτοικος

Νικίδης Φοινικίδου Μελιτεὺς

Οἰωνίας Οἰωνοχάρους Ἀτηνεὺς

Παναίτιος

Πολύστρατος Διοδώρου Ἀγκυλῆθεν

Φαῖδρος Πυθοκλέους Μυρρινούσιος
 Φερεκλῆς Φε[ρεν]ικα[ίου]
 Χαυρέδημος Ἐλπίου Ἀχ[ερδούσιος]

and three others in a condition too fragmentary to be restored.

All these names appear in And.'s text (12-17, 35, 65, 67). (In 12-13 the ms. has the forms *Νικιάδην* and *Ἰωνίαν*, which have to be emended in accordance with the stelai fragments.) But it is interesting that two of the names, Euphiletos (stele vi 89 and stele x 13) and Pherekles (stele vi 94), are given in the inscriptions with the note *περὶ ἀμφότερα*. (Whether *ἀμφ* - - - in stele x 36 should be restored to give the same note in the case of Oionias is very doubtful.) This phrase seems to mean that Euphiletos and Pherekles were among those convicted in both cases, the profanation of the Mysteries and the mutilation of the Hermai. In And.'s text, both of them are named in Teukros's list of mutilators of the Hermai (35); but who denounced them as profaners of the Mysteries? 17 makes it obvious that Lydos denounced his master Pherekles; Euphiletos may have been included among the 'others' whom Lydos is there said to have denounced.

About most of the men in Andromachos's list little else is known. *Ag. And.* 11-12 says that within a few days of his return to Athens at the end of the war And. prosecuted Archippos on a charge of mutilating a Hermes. See also Appendix N on Archippos and Aristomenes, and Appendix M on Meletos. On Archebiades see *Lys.* 14. 27. Panaitios is presumably not the man mentioned in 52 and 67, since And. admits (68) that he himself was responsible for that man's exile. Either of the two might be the Panaitios who was called 'ape' and 'son of a cook' by Aristophanes in the *Islands* (fr. 394).

The conspicuous absentee from this list is Poulytion. Probably his name should be restored in the text. Hatzfeld *Alcibiade* 112 note 7 suggests that he was omitted from the list because he was a metic. That he was a metic may well be true; but that is not an adequate explanation of his omission, for Kephisodoros the metic is included in the list in 15.

The difference in ending between *Διογένην* and *Ἀριστομένη* is interesting; it is not certain that emendation is demanded, since the variation may as easily be due to the original author of the list as to a later copyist. There certainly seems no need to deny that -ην, as well as -η, was already in use at this period; Jebb even admits *Πολυ-νείκην* in *S. Ant.* 198, written a quarter of a century before the denunciations of 415.

14. **Διόγνητον**: This may be the secretary of 409/8 (*IG* i² 115 = *Tod* 87), or, just possibly, the brother of Nikias (see note on 15).

ἡσθα . . . : Here we have And.'s questions to Diognetos, and Diognetos's answers. There are no other instances in Athenian speeches of the questioning of a witness, though sometimes (e.g. Lys. 12. 25, 13. 30-33, 22. 5) a speaker questions his opponent.

ζητητής: a member of a commission of inquiry. Soon after the mutilation of the Hermai and other bad omens were reported, a commission was established to investigate the matter (40). When Pythonikos reported the profanation of the Mysteries, this was referred to the same commission (not to another one appointed to investigate the Mysteries alone; for *ὅτε*, instead of *ἐπεὶ*, seems to imply that Diognetos was already a member of the commission when Pythonikos made his speech, and until that speech was made it was not publicly known that the Mysteries had been profaned). This commission collected information, but did not take action; it was the council who had power to take action (15 *ἦν γὰρ αὐτοκράτωρ*). Peisandros and Charikles were also members of the commission (36). But the fact that Peisandros was also a member of the council for 415/4 (43) does not prove the contention of B. Keil in *Hermes* xxix 354 note 1 (followed by others) that all the members of the commission were members of the council, and that the membership of the commission therefore changed when the council of 415/4 succeeded that of 416/5.

εἰσήγγειλεν: If this verb here has its technical sense of 'impeach', this means that Alkibiades was first impeached by Pythonikos and again after his departure to Sicily by Thessalos (Plu. *Alk.* 22. 4). But it more probably means simply 'report', 'give information', as in Lys. 13. 50, 56.

**Hv* was changed by Blass to **H*. But the longer form may be right; cf. E. *Alk.* 655, *Hipp.* 1012, *Ion* 280.

15. τοῖνυν: 'well now', 'next', taking up the thread of the story after Diognetos's evidence.

Τεῦκρος ἦν ἐνθάδε μέτοικος: 'There was a man named Teukros, a metic resident in Athens'. On the absence of a connective particle, see Appendix P. We have no English words to translate μέτοικος except 'alien' and 'foreigner', but neither of these is satisfactory. The term denotes a free man living in Athens who was not an Athenian citizen (nor an Athenian citizen who had lost his citizen-rights) but had received certain inferior rights. A metic might easily be a man who had lived all his life in Athens.

Hatzfeld *Alcibiade* 167 note 5 suggests that Teukros may have been the stonemason Τεῦκρος ἐν Κυδαθenausioi τοικόν (*sic*) who was employed on the Erechtheion in 408/7 (*IG* i² 374. 14, 69, 216, 314).

ᾤχετο ὑπεξελθών: 'had secretly departed'.

ἐπαγγέλλεται: 'offers'. In this section the switching to and from between past tenses and historic presents is exceptionally violent.

δοῖεν: The council is naturally thought of as plural; cf. 112 αὐτοῖς.

καὶ τοὺς ἄλλους: 'the others as well' as himself.

ψηφισαμένης: sc. ἄδειαν.

αὐτοκράτωρ: means 'having the power to act without reference to higher authority'. This phrase appears to imply that the council did not normally have the power to confer immunity.

ᾤχοντο ἐπ' αὐτὸν: 'they went to fetch him'. The subject is left vague, but obviously it is the officials whose duty it was to carry out the council's decision. Similarly in English those with little knowledge of administration refer to authority vaguely as 'they'.

ἄδειαν εὐρόμενος: 'having obtained immunity for himself'. This phrase refers to the same event as ψηφισαμένης τῆς βουλῆς, but from Teukros's point of view instead of the council's.

ONOMATA: Phaidros is the friend of Sokrates, after whom Plato's *Phaidros* is named. (This is proved by the appearance in the stelai of his name in its full official form; see note on 13.) He was a friend of Eryximachos (Pl. *Phdr.* 268a, *Prt.* 315c), who was also denounced by Teukros (35). From incidental references in Lysias we learn that during his exile Phaidros's house was occupied by Diogeiton (Lys. 32. 14), just as And.'s was by Kleophon (146), and that he married after his return to Athens 'when he had become poor through no fault of his own' (Lys. 19. 15); these references illustrate the effects of the confiscation of the property of those denounced in 415. On the significance of the period of exile in Phaidros's life, see J. Hatzfeld *Du nouveau sur Phèdre* (in *Revue des Études Anciennes* xli (1939) 313-18); he rightly insists that Plato had no precise historical date in mind as the setting for his *Phaidros*.

On Kephisodoros, who was a metic (as we learn from the stelai), see Appendix N. Isonomos was probably his father-in-law (*IG* ii² 6580).

Diognetos was a brother of Nikias. (For the third brother Eukrates see note on 47.) On going into exile Diognetos did not join the oligarchs, but, returning to Athens after the amnesty of 404, personally asked King Pausanias of Sparta to be lenient to the Athenian democracy (Lys. 18. 9-11). (Two objections have been made to the identification of the Diognetos denounced by Teukros with the brother of Nikias; but I find neither cogent. The first is that denunciation by Teukros does not suit the words used by Lys. 18. 9 to describe the reason for the exile of the brother of Nikias: διαβληθεὶς ὑπὸ τῶν συκοφαντῶν. I see no force in this objection. Lysias wishes to praise Diognetos; so it is perfectly natural that he does not say that Diognetos

was convicted of impiety but that he was slandered by *συκοφάνται* (a deliberately vague plural). The second objection is that Lys. 18. 9 praises the loyalty of the brother of Nikias by saying that, when exiled, he did not go to Dekeleia; yet in 415 Dekeleia had not yet been occupied by the Spartans. But it is quite clear that Lysias is not referring only to the time immediately after Diognetos left Athens but to the whole period he spent in exile.)

This Antiphon can hardly be the orator, who was in Athens in 411; nor the sophist, for whom such a prank would surely be out of character, since he was *σεμνός καὶ ὑπέρογκος* (Herm. *Id.* 401 Rabe); nor the patriot executed by the Thirty, for he took part in the Ionian War (X. *Hel.* 2. 3. 40, *Life of Ant.* 10-12); nor the half-brother of Plato, who was too young in 415 (Plu. *Eth.* 484f). Pantakles is not the man who did not understand helmets, since he was in Athens for a festival (doubtless the Panathenaia) in 406 (Ar. *Frogs* 1036); and there is no particular reason to identify him with Pantakles the poet (IG i² 771, *Hesperia* viii (1939) 48-50, xxx (1961) 266, Ant. 6. 11, Harpokration *διδάσκαλος*), or Philokrates with any one of the many other men of this name of whom we hear at this period (e.g. 46, Ant. 6. 21, Th. 5. 116. 3, Ar. *Birds* 14, Lys. 29, X. *Hel.* 4. 8. 24, D. 23. 116).

Μέμνησθε: imperative, not indicative, for the present indicative would mean that And.'s hearers remembered some past occurrence, and *προσομολογείται* is not past but present. *προσ-* means 'also', and thus merely repeats *καὶ*. In what way did And.'s opponents admit the truth of the statements he had just made? Presumably only by not making any protest. (Blass says that it is Diognetos whose silence provides confirmation. But Diognetos was a mere witness, who would not speak unless he was asked.)

16. **Ἀλκμεωνίδου** and **Ἀγαρίστη** both suggest that the famous family of Alkmeonids is concerned here. (In the sixth century Agariste of Sikyon married an Alkmeonid, and her granddaughter, the mother of Perikles, was also called Agariste.) Alkibiades's mother was an Alkmeonid. If he and Agariste were closely related, this may explain how she acquired the information she now revealed. It would otherwise be surprising that an Athenian woman should know about the secret activities of three men not related to her in the house of a fourth also apparently unrelated.

γενομένη δὲ καὶ Δάμωνος: 'who also had previously been the wife of Damon'. This may be the musician, who was a teacher and friend of Perikles and was at one time ostracized because he was thought to have too much political influence (Isok. 15. 235, Pl. *Alk.* 1. 118c, *Ath. Pol.* 27. 4 (where *Δαμωνίδου* is presumably a mistake), Plu. *Per.* 4. 1-4).

αὕτη merely repeats ἡ γυνή. It is inserted to remind us that Agariste is the subject of the coming verb, despite her appearance in a parenthesis in the dative. It does not mean that she was present in court, as Dalmeyda seems to think.

Χαρμίδου: presumably the son of Aristoteles, And.'s cousin (47-51). Here And. does not mention the relationship, because he does not want his own name linked with the profanation of the Mysteries. But Charmides son of Glaukon, uncle of Kritias and Plato, is also possible.

τὸ Ὀλυμπεῖον: the temple of Olympian Zeus, in south-east Athens.

Ἀλκιβιάδην καὶ Ἀξιοχὸν καὶ Ἀδείμαντον: All these three returned to Athens before the amnesty of 404; the other two were presumably pardoned at the same time as Alkibiades, who returned in 408 or 407. Axiochos was Alkibiades's uncle; Plato's (or pseudo-Plato's) *Axiochos* is named after him. He defended the Arginousai generals in 406 (Ax. 369a), and proposed a decree honouring Neapolis (in Thrace) sometime in the period 408-5 (IG i² 108 (= Tod 84). 39). Adeimantos was a friend of Alkibiades and general in the Ionian War (X. *Hel.* 1. 4. 21, 1. 7. 1). He was captured by Lysandros in 405, but was released, and was suspected of betraying the Athenian fleet (X. *Hel.* 2. 1. 30-32, Lys. 14. 38).

ἔφυγον: Alkibiades had probably already departed with the fleet to Sicily when Agariste denounced him; he went into exile only after he was summoned back to Athens for trial. Other Athenians serving with him in Sicily were summoned for trial at the same time (Th. 6. 53. 1); Adeimantos, since we know he was Alkibiades's companion in the Ionian War, may well have been one of these.

17. ὁ Φερεκλέους τοῦ Θημακέως: 'the slave of Pherekles of Themakos'. Themakos was a deme of the Erechtheis tribe. Pherekles had already (on the chronology see Appendix E) been denounced for mutilation of the Hermai (35).

τούς τε ἄλλους: The position of τε implies that a second object will be provided for ἀπογράφει. But And. changes his mind and provides a fresh verb for τὸν πατέρα. Cf. D. 24. 12 ἐλεγ' ἄλλα τε πολλὰ καὶ διεξήλθεν πρὸς ὑμᾶς ὡς . . . , and Denniston 519-20.

ἐγκεκαλυμμένον: Leogoras, like elderly men in any age, covered his face and took a nap.

βουλεύων: 'a member of the council'.

παραδίδωσιν: i.e. proposed to the council that they should be tried by a jury.

ἐγράψατο: Ἀ γράφη παρανόμων ('prosecution for illegality') may perhaps have been a new kind of prosecution at this period. At any rate, this is the earliest known instance of it (unless that in *Life of Ant.* 20 is earlier);

cf. Hignett 210-13. It meant that the trial of Leogoras was automatically postponed. What part of Speusippos's proposal was illegal is not clear. Marchant's suggestion that his proposal was illegal because the evidence against Leogoras was inadequate can hardly be right; to prosecute someone with inadequate evidence may be foolish but is not illegal; the case of Aristogeiton and the priestess of Artemis (Dein. 2. 12), to which Marchant refers, is quite different, because the charge against Aristogeiton there (like the charge against Ktesiphon by Aischines) was that he had proposed a decree containing a false statement.

ἐν ἑξακισχιλίοις: 'before a jury of 6,000'. 6,000 was the entire body of jurors for the year (Ar. *Wasps* 662, *Ath. Pol.* 24. 3), and no other instance is known of their all sitting together to try a single case. Presumably the profanation of the Mysteries caused such extraordinary panic and excitement that only the largest possible jury was considered adequate. (The larger the jury, the less chance of its being intimidated or bribed.) That the statement in the text is incorrect has sometimes been alleged but never proved.

ὁ δὲ πείσας καὶ δεόμενος: 'the man who persuaded and entreated'. An odd expression, for the aorist participle *πείσας* denotes successful persuasion, which should have been preceded, not followed, by entreaty. Perhaps And. has reversed the natural order simply to avoid the clumsy stammering effect of δὲ δεόμενος. The omission of καὶ, making *δεόμενος* subordinate to *πείσας*, was proposed by Herbert Richards *Aristophanes and others* (London, 1909) 217.

And. wishes to clear himself of the charge that he informed against his father. He therefore claims to have been so confident of his father's innocence that he urged him to stay in Athens and face trial.

18. Καλλίαν: This is probably the son of Telokles, And.'s brother-in-law (mentioned in 42, etc.), or perhaps the son of Alkmeon, cousin of Leogoras (mentioned in 47). If Stephanos was another relation of And., he and Kallias doubtless gave evidence of how And. 'persuaded and entreated his father to stay', while Philippos and Alexippos gave evidence about Lydos's denunciation.

Ἀκουμενοῦ: the medical friend of Phaidros and father of Eryximachos (Pl. *Phdr.* 227a, 268a, X. *Apom.* 3. 13. 2). Phaidros and Eryximachos had both been denounced by Teukros (15, 35).

βλέπετε εἰς τούτους: 'face the jury', addressed to the witnesses.

19. καὶ δίκαιον: 'it is really right'; cf. Denniston 319.

παρόντα: 'as having been present'.

The course of And.'s argument here is as follows. ὁ μὲν γὰρ ἀπογράφας αὐτὸν Λυδὸς ἦν ὁ Φερεκλέους is the statement whose truth (And.

claims) has been proved by the evidence of Philippos and Alexippos. *ὁ δὲ πείσας ὑπομεῖναι καὶ μὴ οἷχεσθαι φεύγοντα ἐγὼ* is the statement whose truth (And. claims) has been proved by the evidence of Kallias and Stephanos. In order to prove that he did not denounce Leogoras, And. now adds to these two statements of what did happen five arguments, which are all statements about what would have happened if he had denounced Leogoras:

1. His own conduct would have been inconsistent (*καίτοι τί ἐβουλόμην . . .*).

2. Leogoras's conduct in staying to face a trial would have been foolish (*καὶ ὁ πατήρ . . .*).

3. Leogoras and And. would not both have survived (*καὶ μὲν δὴ . . .*).

4. Leogoras's friends would have urged him to flee (*φέρει δὴ τοῖνυν . . .*).

5. Speusippos would have called on And. to give evidence against Leogoras (*ἀλλὰ γὰρ καὶ . . .*).

Finally comes the conclusion, that And.'s proof is irrefutable (*εἰ τοῖνυν . . . , ἐλεγχέτω με ὁ βουλόμενος*).

20. *δυσὶν . . . οὐκ ἦν αὐτῷ ἀμαρτεῖν*: 'He could not avoid both' means 'he had to undergo one'; cf. Th. 1. 33. 3 *μηδὲ δυσὶν φθάσαι ἀμάρτωσιν, ἢ . . . ἢ . . .*

ἢ γὰρ . . . : sc. *οὐκ ἦν αὐτῷ ἀμαρτεῖν*. (*ἀμαρτάνω* is not generally used with an infinitive, but cf. Th. 1. 33. 3.) 'For either I must cause his death, if it were thought that my information against him was the truth, or he must cause mine, if he himself were acquitted.' Death was the penalty to be expected both for impiety and for giving false information to gain immunity. If And. had denounced Leogoras and Leogoras had then been acquitted, that would have proved that And.'s evidence was false.

εἶχεν: The tense implies that the law is now no longer in force. (Compare 93-94, where *ὁ γὰρ νόμος οὕτως εἶχε* seems to be contrasted with *οὗτος ὁ νόμος . . . καὶ νῦν ἔστι*.) But it would be over-hasty to conclude from this that the law was a special enactment applying only to the impieties of 415, for such an enactment would probably have been called a *ψήφισμα* rather than a *νόμος* (cf. note on 87 *ψήφισμα δὲ . . .*). We should conclude simply that the law was annulled at some time between 415 and 400. Perhaps it was one of the casualties of the revision of the laws begun in 410.

εἶναι τὴν ἄδειαν: jussive accusative and infinitive, as often in laws (e.g. 85).

καὶ μὲν δὴ: a strong 'and', adding a fresh argument. Cf. 140.

οὐκ ἦν: We might expect ἄν, but And. omits it to stress that the impossibility of what his opponents alleged was a fact. Cf. 109 ὑπάρχει.

21. φέρε δὴ τοίνυν: 'well then', moving on to the next point; cf. 90, 117, 128. (Denniston 578 overlooks these instances.)

δπου ἂν ἔμελλεν: 'where he would be likely'. ἂν implies another protasis, 'if he were to go there'. Dobree excised it, but unnecessarily.

22. ἀλλὰ γάρ: 'further'. The normal use of ἀλλὰ γάρ is to give a reason (γάρ) for rejecting or dismissing (ἀλλὰ) a previous remark (e.g. 23, 72). But sometimes the adversative sense seems to disappear, and the phrase merely introduces a fresh point to be added to the previous one. This use, for some as yet unexplained reason, is commoner in this speech than anywhere else (22, 101, 103, 124, 128, 130, 132). See Denniston 105-6.

ἐδίωκεν τῶν παρανόμων: 'was prosecuting for his illegal action' Cf. 17.

ἐκέλευε δὲ βασανίσαι . . . : 'he urged him (Speusippos) to put his (Leogoras's) slaves to torture, and not to refuse to examine those who offered (their slaves for torture), while compelling those who refused (to offer their slaves for torture)'. The possibility of torturing slaves to secure true evidence from them is frequently mentioned by Athenian speakers. An offer to allow one's own slaves to be tortured, or a challenge to one's opponent to allow his slaves to be tortured, was supposed to show confidence in one's own case. So in Leogoras's case his slaves could reasonably be expected to know whether he had visited Pherekles's house or not, and his offer showed his confidence that his slaves, even when tortured, would still support his own statements.

Such offers and challenges imply that a slave could not be tortured without his master's permission. In 415 the council had been given special powers (15), and that may explain why on this occasion some slaves (probably the *θεραπαίνας* of 64) were tortured without their masters' permission. No other instance of the torture of a slave without his master's permission is known.

Other problems connected with the torture of slaves do not affect this passage and are too complicated to be discussed here. See Lipsius 888-95, Bonner and Smith ii 126-30, and Jones 141-3; they give references to other discussions of the subject.

ὥς ἅπαντες ἴστε looks like an excuse for not providing evidence of this point. If so, it is not a good excuse, for clearly a jury in 400 would not all know what was said at a trial in 415. D. 40. 53 draws attention to the use of this device by a speaker without evidence: πολλὸς καὶ

τολμηρός ἐστὶν ἄνθρωπος, καὶ οὕτως κακοῦργος, ὥστε περὶ ὧν ἂν μὴ ἔχῃ μαρτυρίας παρασχεῖσθαι, ταῦτα φήσκει ὑμᾶς εἰδέναι, ὡ ἄνδρες δικασταί, ὁ πάντες ποιοῦσιν οἱ μὴδὲν ὑγιὲς λέγοντες.

σὺ: And.

ἐγὼ μὲν: The particle implies 'even if you don't'.

23. μὴ ὅτι: 'not to mention', 'to say nothing of'.

ἀλλὰ γὰρ: 'But no one can refute me, for . . .'. Cf. note on 22, and Lys. 20. 11: καίτοι εἴ τις βούλεται, ἐν τῷ λόγῳ τῷ ἐμῷ μαρτυρησάτω ὡς ἀναγκαῖον ὄντα Φρυγίχῳ. ἀλλὰ γὰρ ψευδῇ κατηγοροῦν.

οἷ: τούτων must be understood in the main clause.

24. χρῆσθαί τε . . .: 'and infer that, if it is clearly proved that their most serious accusations are lies, then all the more . . .'. τεκμήριον is 'line of argument'. ἡ που . . . γε is 'a fortiori'; cf. 86, 90.

25. ἀνέγνω τὰ ὀνόματα: 'I had the names read'; cf. Is. 8. 34, 11. 1, D. 18. 267, 21. 10, 24. 27, 45. 34, 45. 42, 47. 82, 48. 11. This verb appears to have no aorist middle form in Attic. We have not in fact been given the names of those denounced by Lydos; nor did any witnesses give evidence of Agariste's denunciation.

πιστότητος ὑμῶν: ὑμῖν, suggested by H. Richards in *CR* xxix (1915) 103, may be right. But since πιστότης probably here means 'trustfulness', 'belief', rather than 'trustworthiness', 'honesty', Richards is hardly right in saying 'The πιστότης is that of Andocides himself', and so his emendation is not essential.

τῶν γὰρ φυγόντων . . .: 'For, of those who went into exile in the case of the Mysteries, though some died while in exile, others have returned and are in Athens and are present in court at my request'.

26. ἐγὼ οὖν . . .: 'So during the time allotted for me to speak I allow anyone who wishes to prove me wrong by showing that . . .'. To have both an accusative and an indirect statement with ἐξελέγχω is unusual, but cf. 35, Pl. *Grg.* 482b.

27. Κλεωνόμου, Πεισάνδρου: These two demagogues took the lead in offering rewards because they thought that the information revealed would discredit Alkibiades and the oligarchs.

Kleonymos is frequently satirized by Aristophanes as greedy, fat, cowardly, and effeminate. His earliest appearance is as proposer of the second Methone decree (*IG* i² 57 = Tod 61) in 426; his latest is in the *Birds* (289, 1475), which suggests that he may have died in or soon after 414.

Peisandros is ridiculed as big, cowardly, and venal by various comedians from 426 onwards (Hermippos 9, Eupolis 31, 110a, 182, Phrynichos 20, Ar. fr. 81, *Peace* 395, *Birds* 1556, *Lys.* 490, and Platon

the comedian wrote a play entitled *Peisandros*). In 415 he was a champion of the democrats (36), but in 411 he unexpectedly emerged as the leader of the oligarchic revolution, and was among those who tried to arrange for the return of Alkibiades to Athens (Th. 8. 49). Cf. A. G. Woodhead *Peisander* (in *AJP* lxxv (1954) 131-46). Woodhead suggests that in 415 Peisandros was a supporter of Alkibiades and tried to divert suspicion from him, but the evidence does not seem to me to support this view; none of our authorities connects Peisandros (as Woodhead does) with Teukros, Lydos, or Diokleides, and his keenness to discover the guilty would not be at all to the liking of Alkibiades, who seems to have been guilty himself of profanation of the Mysteries and would naturally have preferred that the whole affair should be forgotten. It is more likely that the connexion between them was not formed until 411, when Peisandros changed his political views and Alkibiades was eager to return to Athens by any means. As leader of the Four-hundred, it was Peisandros who had And. arrested in 411 (And. 2. 14). When the régime fell, he escaped to the Spartans at Dekeleia (Th. 8. 98. 1), and is not heard of again.

The proposal of Kleonymos must have been made earlier than that of Peisandros, since otherwise And. would surely have mentioned the larger sum first. No doubt what happened was that Kleonymos's offer of 1,000 drachmas did not produce the desired information, so Peisandros, who was one of the *ζητηταί* (36), persuaded the assembly to add an offer of 10,000, making the total of 11,000 which was divided between Andromachos and Teukros. Was this total of 11,000 intended to cover rewards for information about the Hermai as well as the Mysteries? If so, *ἐκατὸν μναὶ* in 40 and 41 must be taken as an approximate round figure, the exact figure being 110 minas. (Marchant and Maidment, in their notes on 40, take the figure there as referring to Peisandros's proposal alone. But why should Diokleides refer only to that proposal and not to Kleonymos's? Not because Kleonymos's proposal had been superseded, for 28 shows it remained valid; nor because it was not news to Diokleides, for it was not made until after Diokleides's departure from Athens (cf. Appendix E).) Alternatively the 10,000 drachmas offered in the Hermai case may be distinct from the 11,000 mentioned here; this seems to me somewhat less probable.

περὶ δὲ τούτων: δὲ is 'resumptive'; cf. Denniston 182-3.

εἰσαγγεῖλαι: see note on 14.

Ἀνδροκλῆς was another demagogue who suffered severe attacks from the comedians. Kratinos called him *δοῦλος*, *πρωχός*, and *ἡταιρηκώς* (= 'immoral'), and Telekleides and Ekphantides *βαλλαντιστόμος* (schol. on Ar. *Wasps* 1187; cf. Kratinos 208, 209a, 263, fr. adesp.

48, and, for a sample of Androkles's eloquence, Arist. *Rhet.* 1400^a9). Plu. *Alk.* 19. 3 calls him a particular enemy of Alkibiades, and Th. 8. 65. 2 says that it was because he was responsible for driving Alkibiades into exile that he was killed by oligarchs in 411.

ὕπερ τῆς βουλῆς: 'on behalf of the council'. This suggests, but does not prove, that Androkles was a member of the council. It was the council who brought Teukros to Athens and arranged for him to give his information, just as it was Pythonikos who arranged for Andromachos to give his information. Andromachos and Teukros were not Athenian citizens, and there may have been some doubt whether non-citizens were entitled to claim the reward. Pythonikos and the council each claimed that they were the citizens but for whom the information would never have come to light. 10,000 drachmas distributed among the 500 members of the council would have come to 20 drachmas each — not a large amount, but still worth having.

This seems me to be the only possible interpretation of ὕπερ τῆς βουλῆς. I do not believe that it can mean 'because of his statement to the council', as Marchant suggests. Anyone who finds the natural interpretation intolerable has no alternative but to emend the text. This is the course recommended by Albinus in *Maia* ix (1957) 154-6; he suggests ὕπερ <τῆς εἰσαγγελίας εἰς> τὴν βουλήν or ὕπερ <τῶν εἰρημένων ἐν> τῇ βουλῇ.

28. ἔδοξεν οὖν . . . : 'So the assembly resolved that those who had been initiated should decide between the claimants in the court of the thesmothetai'. τοὺς μεμνημένους can hardly mean all Athenians who had been initiated in the Mysteries; it probably means that, of the jury allotted to the case, those members who had not been initiated were to be excluded. Compare the exclusion of the uninitiated from And.'s jury in 400 (29), and of the uninitiated citizens from the assembly at which Andromachos gave information (12).

The thesmothetai were the six minor archons. Their duties were almost entirely judicial; they presided at any trial not specifically allotted to one of the three major archons.

διαδικάσαι: διαδικασία was the legal process used for deciding between two or more persons who each claimed a right to possess something (e.g. an inheritance or, as here, a reward) or to avoid a duty (e.g. a λητουργία). Cf. the definition and curious instance given in *Lexica Segueriana* v (Bekker *Anecdota Graeca* i 236): οὐχ ἀπλῶς πᾶσα δίκη διαδικασία καλεῖται, ἀλλ' ἐν αἷς περὶ τινος ἀμφισβήτησις ἐστίν, ὅτῳ προσήκει μᾶλλον. σημειωτέον δέ, ὅτι διαδικασία λέγεται καὶ ὅταν δημευθείσης οὐσίας δικάζηται τις πρὸς τὸ δημόσιον, ὡς ὀφειλομένων αὐτῷ χρημάτων ἐν τῇ δημευθείσῃ οὐσίᾳ. In most other kinds of trial there

are two sides, prosecution and defence, and all the disputing parties, even if there are more than two, must be on one of these two sides; the chief distinguishing feature of *διαδικασία* was that there might be any number of disputants, each opposed to all the others. See G. A. Leist *Der attische Eigentumsstreit im System der Diadikasien* (Jena, 1886), Lipsius 463-7, Max Kaser in *ΖSSR* lxiv (1944) 179-91, Louis Gernet *Droit et société dans la Grèce ancienne* (Paris, 1955) 70-72, Jones 205-7.

πρώτῳ probably means not that the court voted in favour of Andromachos before voting in favour of Teukros, but that Andromachos was to have the first (i.e. larger) reward: 'primarily', 'principally', 'above all'.

Παναθηναίων τῷ ἁγῶνι: The great Panathenaia were held only every fourth year; in 415 the festival was the little Panathenaia, held on the last day but two of the month Hekatombaion.

J. A. Davison in *JHS* lxxviii (1958) 23 suggests that *Παναθήναια* unqualified by *τὰ κατ' ἐνιαυτόν* or *μικρά* always refers to the great Panathenaia. If this interpretation were applied to our passage, it would follow that Andromachos and Teukros did not receive their rewards until 414, over a year after they gave the information for which they were rewarded. One might then adduce *Ag. And.* 23 *ἐγγὺς ἐνιαυτόν* as further evidence that the investigations into the profanation of the Mysteries lasted for about a year. But this seems to me most unlikely. I would rather assume that *ἐγγὺς ἐνιαυτόν* is a lie or a mistake of some kind (see Appendix D), and that *Παναθηναίων* here is an exception to Davison's rule and refers to the little Panathenaia of 415.

29. *εἰσεληλύθατε*: 'have come into court to hear'. This verb is more often used of the parties to a case or of the case itself than of the jury, but cf. D. 18. 210, 278.

ὥς οὔτε ἤσέβηκα . . . : And. now claims to have done what in 10 he said he would do, and so uses almost the same words.

οἱ λόγοι τῶν κατηγορῶν—: After these words And. inserts a parenthesis to remind his audience of what his accusers said, and at the end of the parenthesis resumes his original sentence with *τῶν λόγων* in the genitive instead of the nominative and with a 'resumptive' *οὖν* (cf. Denniston 428-9). The dislocation of the grammar of a sentence by a parenthesis (not accompanied by any obscurity of meaning) is quite in And.'s normal manner; but some editors, not realizing this, have emended (e.g. *κατηγόρων, <οἱ> ταῦτα* Blass).

φρικώδη: Like other adjectives in *-ώδης*, this may have been originally a medical term. It appears to have been introduced into poetry by Euripides (*Hipp.* 1202, 1216, *And.* 1148); Aristophanes uses

it in a parody of a Euripidean lyric (*Frogs* 1336). Its only other appearance in non-medical prose before Aristotle is in D. 23. 74, but *φρίττω* and *φρίκη* occur in prose occasionally.

ἀνωρθίαζον: 'wailed'. This compound occurs nowhere else in Attic, but in Aischylos we find *ἀρθιάζειν* (*Per.* 687) and other compounds (*Per.* 1050, *Ag.* 29, 1120, *Cho.* 271).

ὡς πρότερον ἑτέρων . . . : 'saying that previously, when other men . . .'. The *ὡς*-clause is broken off in the middle and replaced by *οἶα* The reference is doubtless to *Ag. And.* 1 and perhaps to other anecdotes which preceded that passage (the beginning of the speech being now lost).

30. *ἡσέβησαν*: *And.* means that it was impious to lie about the Mysteries by saying that *And.* had profaned them; cf. the beginning of 32.

ἥ shows that *And.* is turning from his right to be acquitted to the opposite alternative, that he may be wrongly convicted; the correct translation is 'otherwise', not 'or'.

ἡγήσεσθε: The change from the optative to this vivid future indicative is similar to 4 οὐτ' *ἀν' ὑπομείναιμι οἰχήσομαί τε*. 'It would really be dreadful if you were to . . . and are going to consider . . .'

ἡ γὰρ βάσανος . . . : 'for trial before men who know the truth is a severe ordeal'. Of course the jury in 400 did not really know all about the events of 415. *And.* is flattering them, and making use of the reluctance of ignorant men to confess their ignorance; 'You know these are the facts' is less likely to be contradicted than a mere 'These are the facts'. Cf. note on 22 *ὡς ἅπαντες ἴστε*.

ἐλεγχος means both 'investigation' and 'proving wrong'. *And.* means that he enjoys the trial because he can prove his accusers wrong.

ἐν οἷς . . . : 'in a case in which I need not secure my acquittal on this sort of charge (i.e. one in which the jury knows the facts already) by addressing any entreaties or appeals to you, but by refuting my accusers' speeches'. *〈τῇ〉* is unnecessary; cf. 72 *τοιαύτην ἀπολογίαν*.

31. *οἷτινες*: When *δοτις* has a definite antecedent, its effect is usually (but not always; cf. Th. 6. 3. 1) to assign that antecedent to a general class: 'you, whom I am reminding of the facts, are men who . . .'.

ὁμόσαντες οἴστε: The main points which *And.* wishes to make are in the participles: 'who, before casting your votes in my case, have sworn great oaths and invoked . . .'.

ἀρασάμενοι ἀρὰς is a poetic expression (e.g. S. *OK* 952). The compound *ἐπαράδομαι* is normal in prose (*Ant.* 5. 11, *Lys.* 12. 10, *D.* 18. 142, etc.).

ψηφιεῖσθαι περὶ ἐμοῦ: περὶ ἐμοῦ is excised by Naber and others. It is true that the oath did not contain the words περὶ Ἀνδοκίδου; but the oath did it (according to D. 24. 149-51) contain the words τὰ δίκαια. And. is merely paraphrasing the effect of the oath, not quoting *verbatim*.

ἵνα τιμωρήσῃτε . . . : There are two possible ways of taking this clause:

1. With μεμύησθε καὶ ἐοράκατε τοῖν θεοῖν τὰ ἱερά. The ability to punish impiety was a result but hardly the purpose of initiation. But the distinction between final and consecutive clauses is sometimes blurred in Greek, as in English.

2. With ὑμᾶς ἀναμνησκω τὰ γεγενημένα. And's purpose in making his speech to the jury is not really to enable them to punish anyone. But he is pretending to be open-minded; 'If I am guilty, execute me,' he says in 32. So here he may mean 'I am telling you the facts in order that you may punish me if I am guilty and acquit me if I am innocent'.

32. νομίσατε τοίνυν . . . : 'Therefore you must consider that it is no less an impious act to convict of impiety those who have done no wrong than to fail to punish those who have committed impiety. So I, much more earnestly than my accusers, call upon you in the name of the two goddesses, for the sake both of the sacred things which you have seen and of the Greeks who come to Attica for the festival, . . . ' The avoidance of impiety is in the interest of the Mysteries themselves and of those who attend them.

33. οὐδὲν: The negative in an εἰ-clause may be οὐ instead of μή:

1. When the clause expresses a fact alleged to be true, so that εἰ is equivalent to 'since' or 'although'. So here; cf. E. *Med.* 88 εἰ τοῦσδε γ' εὐνῆς οὐνεκ' οὐ στέργει πατήρ.

2. When οὐ and the following word are practically equivalent to a single word expressing a positive idea. E.g. οὐκ ἐθέλω = 'I refuse', οὐ φημι = 'I deny'.

3. In sentences of the form 'It will (would) be strange (disgraceful) if . . .'. E.g. 102 οὐ σωθήσομαι, Th. 1. 121. 5, Lys. 20. 19, 22. 13, 30. 32, D. 8. 55, 15. 23; but μή is used in And. 2. 1, Lys. 31. 31.

4. In indirect questions.

τὸ πέμπτον μέρος: see note on 7 ὑμᾶς πολὺ . . . Some (e.g. Blass *ABi* 318) have seen in this sentence evidence that Kephisios did in fact get less than one-fifth of the votes; for, they say, otherwise And. would not have included it in the published version of his speech. This I find unconvincing; the inclusion of this sentence proves only that when

And. published the speech he still thought that Kephisios deserved to get less than one-fifth.

ἔξεσιν: present instead of future because the law is already in force.

δηλώσατε: by applause, cheers, or similar means.

34-70. The mutilation of the Hermai. The truthfulness and chronology of this passage are discussed in Appendixes C, D, E, and F.

34. ὑπεσχόμεν: in 8 and 10.

Τεύκρος: cf. 15.

μηνύει περί τε τῶν μυστηρίων . . . : The ms. reading is impossible, because Teukros knew what he knew about the profanation of the Mysteries not by learning it from the mutilators of the Hermai but because he himself took part in it (15). With the Aldine emendation, τῶν περικοψάντων is taken with περί (for the position of τε cf. 2 and Denniston 518). The best other suggestions are:

1. In addition to the Aldine καὶ for ἐκ, cut out καὶ before ἀπογράφει (Dalmeyda): 'and of the mutilators he denounced eighteen'. (For the position of τε then, cf. 17.)

2. <καὶ> ἐκ τῶν περικοψάντων . . . [καὶ] ἀπογράφει (Rosenberg) has much the same effect.

3. <καὶ> ἃ ἦδ' ἐκ τῶν περικοψάντων (Blass).

δουὶν δέοντας εἴκοσιν: These eighteen are additional to those he denounced for profaning the Mysteries (15).

35. ONOMATA: Platon is not the philosopher nor the comic dramatist (see Appendix N). Theodoros played the part of the herald in the profanation of the Mysteries mentioned by Plu. *Alk.* 19. 2, 22. 4. Menestratos may be the Menestratos who saved himself from condemnation under the Thirty in 404/3 by informing against others, and for this was later executed under the restored democracy (Lys. 13. 55-57). Eryximachos, a character in Plato's *Symposium*, was a doctor (Pl. *Sym.* 185d), and was the son of Akoumenos (cf. 18) and friend of Phaidros (cf. 15) (Pl. *Sym.* 176b, *Phdr.* 268a, *Prt.* 315c). For Euphiletos cf. 51, 56, 61-64, and for Pherekles cf. 17; we learn from the stelai (see note on 13) that they were both denounced also for profanation of the Mysteries. On Meletos see Appendix M.

In *IG* 1² 106. 21-23 (dated about 411-08) we read: τὰ δὲ περὶ Τιμάνθος γεγραμμένα ἐν πόλει ἐκκολαφσάντων ἡοι ταμίαι ἡοι τῆς θεᾶς ἐκ τῆς στ[έλης]. This appears to mean that Timanthes was pardoned at this time; however, it is not clear how he earned this special favour, nor why the treasurers of Athena were concerned with it. Alternatively, ours may be a different Timanthes.

τοῖνυν: see note on 15. And. here echoes his words in 25-26.

36. Πείσανδρος: see note on 27.

Χαρίκλῆς is not heard of before this appearance in 415 (unless Telekleides 41 is earlier). In 413 he commanded 30 Athenian ships in an attack on the Peloponnesian coast (Th. 7. 20, 26). Nothing is said of his activities in the revolution of 411, but he must have been with Peisandros and the oligarchs then, since he went into exile afterwards (Isok. 16. 42. It has been thought that this passage refers to the period after 403; but it refers to a return from exile, and it is not credible that Charikles, even if he remained alive, was able to return to Athens after his activities in 404/3. Lys. 13. 74 also indicates that he belonged to the Four-hundred). In 404 he appeared as a member of the Thirty, closely connected with Kritias (101, X. *Hel.* 2. 3. 2, Lys. 12. 55). Whether he died or left Athens in 403 is not known.

τῶν ζητητῶν: partitive genitive, 'among the commissioners of inquiry'. See note on 14 ζητητής. Meritt, in *AJA* xxxiv (1930) 146-8, takes the view that all these commissioners were members of the council, that a new commission consequently took office when the council for 415/4 succeeded that for 416/5, that And.'s words ἐπειδὴ δὲ ταῦτα ἐγένετο mark the moment of this change, and that the new commission, under the influence of Peisandros and Charikles, pursued a new and more vigorous policy of investigation. It is not impossible that this is what happened; but And.'s words do not, I think, imply it. If And. had wished to point out that it was at this moment that Peisandros and Charikles became commissioners, he would undoubtedly have written γενόμενοι τῶν ζητητῶν in place of ὄντες . . .

ἀλλ': Dalmeyda's ἀλλὰ <πολλῶν> is rightly rejected by Albini in *Maia* viii (1956) 171 note 2.

ἐπὶ τῇ τοῦ δήμου καταλύσει: 'with a view to overthrowing the democracy'. Thucydides confirms (6. 27. 3, 28. 2, 53. 3) that the profanation of the Mysteries and the mutilation of the Hermai were believed to have this purpose, and Aristophanes often satirizes the tendency of Athenian politicians to accuse their rivals of 'tyranny' or 'conspiracy' with little or no justification (e.g. *Wasps* 345, 417, 464, 488, 953, *Birds* 1074); but even so it is hard for us to understand why these particular activities were thought to be the first move in a revolution. The irony lies in the fact that it was Peisandros himself who actually overthrew the democracy in 411.

οὕτως δέκειτο: 'was in such a state' of panic. The subsequent optatives and imperfects show that the panic lasted for some time.

τὸ σημεῖον καθέλοι: 'took down the signal'. No one knows what the signal was, nor whether the taking down of the signal marked the start of a meeting of the council, or merely the end of a meeting of the assembly, which would generally be followed by a meeting of the council.

The only other evidence about it (Ar. *Thes.* 278 with schol., *Wasps* 690) is inadequate to answer these questions.

οἱ δ' ἐκ τῆς ἀγορᾶς ἔφευγον: 'those in the agora fled from it'. This 'proleptic' use of ἐκ is quite common; e.g. Th. 2. 13. 2 τὰ ἐκ τῶν ἀγρῶν ἐσκομίζεσθαι, 'to bring the property in the country into the city'.

The greatest alarm was at the time of meetings of the council because it was the council who had power to order arrests (15, cf. 45).

37. εἰσαγγέλλει may have either its technical or its non-technical sense; see note on 14.

Διοκλείδης: In fragment 58 of the comedian Phrynichos, given by Plu. *Alk.* 20. 7, a character warns Hermes to look after himself and avoid giving any profitable opportunity to a future Diokleides:

A. ὦ φίλταθ' Ἑρμῆ, καὶ <σὺ> φυλάσσου μὴ πεσῶν
σαυτὸν περικρούσης καὶ παράσχης διαβολὴν
ἐτέρῳ Διοκλείδᾳ βουλομένῳ κακὸν τι δρᾶν.

ΕΡΜΗΣ φυλάξομαι. Τεύκρῳ γὰρ οὐχὶ βούλομαι
μήνυτρα δοῦναι τῷ παλαμναίῳ ξένῳ.

ὕμῶν προσέχοντας: For the difference of case, see note on 9 ἀντιδίκους.

ἐάν: 'to see if'. (LSJ εἰ B VII 1.)

ἐν ὑμῖν: Diokleides told his story to the council (37), who held at least the last part of their meeting in secret (45). How then can And. say to the jury that the story was told 'in your presence'? Either the jury in 400 is regarded as equivalent to the council in 415 because both were representatives of the whole people (see note on 7 ἐάλωσαν παρ' ὑμῖν); or else Diokleides repeated his story to the assembly. (For the repetition before the assembly of a denunciation first made before the council, cf. Lys. 13. 30-32.) If Ar. *Birds* 496 is a parody of 38, that implies that the story was familiar to most Athenians in 414, and thus that it was told to the assembly; but even so it is not really likely that many would still remember the details in 400.

μάρτυρές ἐστε: cf. D. 21. 18 ὑμεῖς ἐστέ μοι μάρτυρες πάντες, ἄνδρες δικάσταί, and Lys. 10. 1, 12. 74.

38. εἶναι μὲν ἀνδράποδόν οἱ . . . : 'he had a slave at Laureion, and had to collect a fee'. An instance of the use of μέν/δέ to mean only 'and'. The workers in the silver-mines at Laureion, in south-east Attica, were mostly slaves hired from their owners by managers. For an Athenian to buy a miner-slave was much the same as for a modern business-man to buy shares on the Stock Exchange; it was a way of investing capital. (The wealthy Nikias owned 1,000 miners, who were hired from him by Sosias for an obol a day each; and Hipponikos, the father of And.'s opponent Kallias, had 600 hired out in the same

way, bringing him in a mina a day (X. *Poroi* 4. 14-15.) Diokleides, unlike most modern shareholders, went in person to collect his 'interest', the hiring-fee. Laureion is over twenty miles from Athens; that is why he got up early to walk there.

ψευσθεὶς τῆς ὥρας: 'mistaking the time'. The passive of *ψεύδω* regularly takes a genitive (LSJ *ψεύδω* A 3). To make his story convincing Diokleides has to explain how he came to be walking about Athens in the middle of the night. So he says that he had to get up early to go to Laureion, that (lacking the advantage of a modern alarm-clock) in his anxiety to get up early he got up too early by mistake (perhaps he said that he mistook the light of the full moon for the approach of dawn), but that, on discovering his mistake, he did not go back to bed but set out at once on his long walk (*βαδίζειν*).

πανσέληνον: According to Plu. *Alk.* 20. 8, this was the item of Diokleides's account which revealed that he was lying, since the mutilation of the Hermai actually occurred on the last night of the month, when there was no moon.

τοῦ Διονύσου: The theatre of Dionysos was on the south-east side of the akropolis; the *ὀρχήστρα* was the round flat area in the centre in which performances took place. Next to it was the Odeion, a large hall built by Perikles for musical performances, and also used as a law-court and for various other purposes. The 'gateway' is unknown, but And.'s phrase suggests that it was a gateway to the whole precinct of Dionysos, not to the theatre alone.

ὁ στρατηγὸς ὁ χαλκοῦς: Bronze statues of Miltiades and Themistokles stood in the theatre, Miltiades near the left (eastern) entrance, Themistokles near the right (western) entrance (schol. on Aristeides 46. 161, in Dindorf's Aristeides iii 535-6); cf. Walther Judeich *Topographie von Athen* (2nd edition, 1931) 314 note 4, Margarete Bieber in *AJA* lviii (1954) 282-4. (D. 20. 70, 23. 196 show not that these statues did not exist in the fifth century, but only that they were not erected by the state.) It is not clear from And.'s text whether Diokleides said that he was on the side of the theatre nearer to the Odeion and sat near Miltiades (so Judeich), or on the opposite side near Themistokles (so Bieber).

ὁρᾶν δὲ ἀνθρώπους . . .: Galen *Εἰς τὸ Ἱπποκράτους περὶ ἄρθρων ὑπόμνημα* 2 (vol. xviii part i page 450 in Kühn's edition) has: *Ἀνδοκίδης δὲ ἐν τῷ περὶ μυστηρίων ἄδων δ' ἀνθρώπους τὸν μὲν ἀριθμὸν μάλιστα τριακοσίους*. Sluiter therefore, besides inserting in the text *μὲν* and *μάλιστα*, which are omitted by the ms., emended *ὁρᾶν* to *ιδεῖν*.

τὸν μὲν ἀριθμὸν . . .: 'in total number about three-hundred, but standing fifteen men in a group, and some twenty in a group'. Though the antithesis is inextricably confused, *εἰστάναι* appears to be

subordinate to ὁρᾶν; ὁρᾶν would normally take a participle-clause, but cf. Th. 8. 60. 3. ἐώρων οὐκέτι οἶόν τε εἶναι. Though the men stood in many groups, κύκλῳ is singular because each fifteen or twenty formed only one group; cf. X. An. 4. 6. 4. ἀνὰ πέντε παρασάγγας τῆς ἡμέρας.

ὁρῶν δὲ . . . : αὐτῶν τὰ πρόσωπα is the object of ὁρῶν, τὰ πρόσωπα τῶν πλείστων is the object of γινώσκειν.

τῶν πλείστων: He named only 42 (43) out of about 300 (38). Perhaps he said he recognized more at the time, but could now remember only 42 names.

39. τοῦθ' ὑπέθετο: 'he gave his story this beginning'.

δεινότατον πρᾶγμα is an accusative in apposition to the whole clause τοῦθ' ὑπέθετο (as Marchant showed, in opposition to Jebb): 'a monstrous proceeding' (Maidment). Cf. E. Or. 1105 'Ἐλένην κτάνωμεν, Μενέλεω λύπην πικράν.

ὅπως ἐν ἐκείνῳ . . . : 'de manière à pouvoir dire à son gré: "tel Athénien en était; tel autre n'en était pas"' (Dalmeyda).

40. εἰς ἄστυ: to Athens from Laureion. In this expression the article is often omitted (see LSJ ἄστυ II); cf. English 'to town'.

ζητητάς: see note on 14.

μήνυτρα: see note on 27.

Εὐφημον τὸν Καλλίου . . . : Kallias was And.'s brother-in-law (42, 50); IG ii² 3018 records that he was gymnasiarch for the Pandionis tribe at some time in the earlier part of the fourth century. Euphemos was presumably a blacksmith; Valckenaer, however, emended to ἐν τῷ, implying that Euphemos did not own the smithy but merely happened to be sitting in one when Diokleides saw him.

Ἡφαιστεῖον: The smithy was no doubt near the temple of the god of fire, and a temple was a suitable place for secret confidences. This temple is the one still standing on the west of the agora, commonly but wrongly called the Theseion. (This identification is reaffirmed by R. E. Wycherley *The Temple of Hephaistos*, in *JHS* lxxix (1959) 153-6.)

οὐκ οὐκ δέοιτο: 'now, he did not need to . . .'. Dalmeyda's emendation εἰλοῖτο is ingenious but unnecessary.

νῦν ἦκειν κελεύσαι οἱ: 'said, "Please come now"'. οἱ is an 'ethic' dative; Euphemos's actual words were νῦν ἦκέ μοι.

41. ἦκειν ἔφη: 'He said he did come'. The repetition of ἦκειν justifies the absence of a connective particle; see Appendix P.

καὶ δὴ (as distinct from καὶ δὴ καὶ and καὶ . . . δὴ) is not common as a connective in Attic. It often means 'Look!', and perhaps here And.'s (or Diokleides's) hearers are meant to visualize Diokleides

standing at the door. The nearest English equivalent might then be a historic present: 'and he knocks at the door'.

εἰπεῖν αὐτόν: αὐτόν, not essential for the grammar, adds a slight emphasis: 'and *he* said'.

Ἄρά γε σέ: 'Is it you that . . . ?'

μέντοι: perhaps 'certainly' rather than 'however'; but an exact interpretation of this word depends on the interpretation of the rest of the sentence. Maidment, perhaps rightly, translates, 'Well, well, we must not turn friends like you away'.

τοιούτους: 'such' as whom? Two interpretations of this Delphic utterance are possible:

1. 'You must not discourage such friends as them.' The conspirators were likely to offer Diokleides a large sum of money; he ought not to try their patience by keeping them waiting.

2. 'They must not discourage such friends as you.' Diokleides had the power to reveal the conspiracy. So the conspirators had to avoid offending him, even if he did keep them waiting.

ἀπώλλυε: 'he tried to destroy'; that is, he tried to implicate Leogoras, so that he would be executed.

συνειδῶτα: 'that he was in the know'. Verbs meaning 'show' commonly take a participle, not an infinitive, even when the indirect statement is one which the speaker does not believe to be true. (Contrast the use with φαίνομαι meaning 'appear' of a participle for a fact and an infinitive for what is not believed to be a fact.) Cf. 47 συνειδῶτα ἀποδεικνύς. (But there are exceptions to this rule; e.g. Pl. *Rep.* 338e ἀπέφηναν τοῦτο δίκαιον εἶναι.)

ἐὰν δέ κατάσχωμεν . . . : 'and secondly that, if we got what we wanted, he should be one of us'. Here also two interpretations are possible:

1. 'If Diokleides kept our secret, he should become a member of our group.'

2. 'If we established an oligarchy, Diokleides should be a member of the oligarchic government.' So Marchant; and Prof. Dover points out to me that κατέχειν and βούλεσθαι sometimes have a strongly political flavour, comparing Th. 6. 50. 3, 95. 2. But would And. want to refer, even in this indirect manner, to the group's plans for establishing an oligarchy?

πίστιν δέ τούτων . . . : 'and thirdly that pledges to do all this should be exchanged'. Whether the subject to be understood with these infinitives is 'we' or 'he' cannot be decided; it makes no difference to the sense. The only thing which Diokleides promised to do was to keep the secret; keeping the secret is therefore included in τούτων; τούτων should refer to items mentioned in the previous parts of the

sentence; so we have here an argument for giving *ἐὰν δὲ κατάσχωμεν* . . . the first interpretation I suggested for it rather than the second.

42. *βουλεύσοιτο*: 'he would think it over'.

ἐν ἀκροπόλει: an appropriate place for giving a pledge or taking an oath; cf. 76. With this word the article may be either omitted (cf. 45, 76, D. 58. 48) or inserted (cf. Th. 2. 13. 3, And. 3. 7, 3. 8).

εἰς τὸν εἰσιόντα μῆνα: 'in the incoming month', the month then beginning. (The commonly accepted emendation *ἐπιόντα* is rightly rejected by Hatzfeld in *Revue des Études Grecques* 1 (1937) 300.) The Hermai were mutilated on the last night of a month (Appendix F). Debts were generally paid on the last day of the month (Ar. *Clouds* 1134).

εἰς with an accusative (instead of a dative with no preposition) is often used to denote a point of time in the future at which it is intended to do something; cf. Pl. *Hp. Mei.* 286b *μέλλω ἐπιδεικνύναι εἰς τρίτην ἡμέραν*, 'I intend to go through it the day after tomorrow'.

ἦκειν οὖν: 'so he had now come' to the council.

43. *αὐτῷ*: 'his', a possessive dative.

ὧν: And. sometimes employs (47, cf. 90), sometimes avoids (53, 105) this attraction of the relative from the accusative to the genitive or dative.

πρώτους μὲν . . . : And. has now forgotten that earlier in the sentence he wrote not *τοὺς ἄνδρας* but *τὰ ὀνόματα τῶν ἀνδρῶν*.

Μαντίθειον: probably identical with the Mantitheos who was a companion of Alkibiades in the war in Asia in 411-08 (X. *Hel.* 1. 1. 10, 1. 3. 13, Diod. 13. 68. 2).

καθημένους ἔνδον: present in the council-house when Diokleides gave his information.

Πείσανδρος: see note on 27.

λύειν τὸ ἐπὶ Σκαμανδρίου ψήφισμα: 'repeal the decree passed in the archonship of Skamandrios'. This decree is mentioned nowhere else, but evidently it forbade the torture of Athenian citizens. It is not known when Skamandrios was archon. The names of all the archons from 480 to 415 are known, and he is not among them. A decree forbidding torture seems unlikely to belong to the reign of Hippias. Very early dates are probably ruled out by the fact that an Athenian would hardly have been given the name Skamandrios before Athens gained control of Sigeion; this first occurred early in the sixth century, in the time of Periandros of Corinth (Hdt. 5. 95. 2). Two possibilities remain:

1. The decree may belong to the reign of Peisistratos. Peisistratos was a champion of the poor citizens against the wealthy aristocrats,

and may well have wished to forbid the torture of citizens. If the decree was proposed by Peisistratos, that may explain why it was later known by the name not of its proposer but of the archon of the year (a fact otherwise a little surprising). 'The decree of Peisistratos' would seem to later Athenians a ridiculous name for a decree defending the rights of free citizens; and besides Peisistratos was probably the author of many decrees, which would therefore have to be distinguished by something other than the proposer's name. The term *ψήφισμα* probably implies a vote (though cf. S. *Ant.* 60, Ar. *Wasps* 378); but the decrees of Peisistratos may well have been voted on by some body, even if the vote was a formality (Th. 6. 54. 6 shows that in his reign formalities were observed). The torture of Aristogeiton by Hippias in 514/3 (*Ath. Pol.* 18.4) of course does not prove that torture was legal then.

2. It may belong to one of the years between 510 and 480 for which the archon's name is unknown. Of these, 510/09 is much the likeliest (and is the year preferred by, for example, T. J. Cadoux in *JHS* lxxviii (1948) 113). After the torture of Aristogeiton by Hippias, the Athenians might well celebrate the tyrant's expulsion by a decree forbidding torture. In this case the decree may have been named after the archon because 'the archonship of Skamandrios' denoted a famous year, the year of the tyrant's expulsion, which was more memorable than the name of the proposer of the decree.

By 415 this decree must surely have attained the status of a νόμος. Perhaps it had become traditional to call it a *ψήφισμα* (just as the Reform Bill of 1832 was generally known by that name even after it became an Act).

ὅπως μὴ with a future indicative is a regular construction after verbs meaning 'take care' or 'see to it'. So here we should translate ὅπως not 'in order that' but 'to make sure that'.

πρὶν πυθέσθαι: It is a long-standing school-book rule that an infinitive is not used with πρὶν when a negative precedes, except in certain special circumstances. But there are so many exceptions of various kinds in Attic writers that the rule seems to me untenable.

τοὺς ἀνδρας ἅπαντας: all the 300 whom Diokleides claimed to have seen (38).

ἀνέκραγεν: The asyndeton helps to give the effect of a sudden shout.

44. ἐπὶ τὴν ἐστίαν ἐκαθέζοντο: 'went to sit at the altar', to take sanctuary. In the council-chamber there was a shrine of Ζεὺς βουλαῖος and Ἀθηνᾶ βουλαία (*Ant.* 6. 45); the schol. on Ais. 2. 45 identifies the ἐστία with the altar of Zeus, and this identification is supported by X. *Hel.* 2. 3. 52-55, where no distinction seems to be made between the ἐστία and the altar.

ἐξεγγυηθέντες κριθῆναι: 'to be allowed bail and trial'.

εἰς τοὺς πολεμίους: either Boiotia (cf. 45) or Megara and the Peloponnese (cf. 15).

ἐν τοῖς αὐτοῖς . . . : 'to be liable to the same treatment as those for whom they were sureties'. See note on 2 ἐγγυητὰς καταστήσας.

45. ἐξελθοῦσα ἐν ἀπορρήτῳ συνέλαβεν ἡμᾶς: Commentators before Makkink failed to appreciate the difficulty of this sentence. ἐξελθοῦσα must mean that the council's meeting came to an end and the members left the council-chamber. It cannot mean (as Marchant and Maidment think) that they left the council-chamber in order to hold a secret session somewhere else. Where else should they hold it? A meeting of 500 persons could not take place in, for example, a room of a private house. To hold a secret session, the council would stay in the council-chamber but exclude from it all who were not members (cf. Ais. 3. 125 μεταστησάμενος τοὺς ιδιώτας).

ἐν ἀπορρήτῳ means 'in secret'. What exactly was secret? Not the fact that the council's meeting came to an end; nor the arrests, which cannot have been a secret from those who were arrested; but the decision to make the arrests and the preparations for carrying them out. The arrests are not likely to have been carried out by the 500 members of the council in person; ἡ βουλὴ συνέλαβεν means that the council decided that the arrests should be made. Makkink is therefore right, up to a point, in translating ἐν ἀπορρήτῳ συνέλαβεν ἡμᾶς as 'nam in het geheim maatregelen om ons in hechtenis te nemen' ('secretly took measures to arrest us'). But συνέλαβεν does not mean only 'decided to arrest'; if it did, the aorist ἐξελθοῦσα would be impossible, since the council's decision must have been made before, not after, the end of its meeting. συνέλαβεν means that the council decided that the arrests should be made, and also that its decision was carried out. ἐν ἀπορρήτῳ belongs, primarily at least, to the first part of this meaning; the aorist ἐξελθοῦσα suits only the second part. We might translate: 'At the end of its meeting the council's secret decision to arrest us was carried out'.

ἡμᾶς: all whom Diokleides had named, except Mantitheos and Apsephion.

ἀνακαλέσαντες: 'calling up'. In such an expression ἀνα-, like 'up' in English, does not necessarily mean that anyone had to climb (as Jebb *Sel.* 226 seems to have thought). Who is the subject of this sentence? Probably not the council, which appears in the accusative later in the sentence, but a vague 'they' meaning 'those in charge'; cf. 15 ὄχοντο. The generals would receive their instructions not from all 500 members of the council, but from a few of the presidents, representing the council.

ἐν μακρῷ τείχει: in the area between the Long Walls which linked Athens to Peiraieus and Phaleron. The singular is used because the walls are regarded as a single structure; cf. Th. 4. 67. 3, 4. 69. 2.

τὸ Θησεῖον: east of the agora and north of the akropolis (Plu. *The.* 36. 4, Paus. 1. 17. 2, *Ath. Pol.* 15. 4). (R. E. Wycherley, in *JHS* lxxix (1959) 156 note 20, suggests that And. refers to a Theseion in the Long Walls. But there is no other evidence that there was a Theseion in the Long Walls, and it seems more likely that And. refers to the same Theseion as Th. 6. 61. 2.)

τὴν Ἱπποδαμείαν ἀγοράν: the agora of Peiraieus, so named after Hippodamos, the architect from Miletos who was responsible for the building of Peiraieus (Harpokration 'Ἱπποδαμεία).

τοὺς δὲ ἱππέας . . . : Two alternatives seem possible:

1. 'And they ordered the knights to give a trumpet-signal to come...'.
2. 'And they ordered the generals to give a trumpet-signal (or, taking *σημῆναι* as having an unexpressed subject, as in Hdt. 8. 11. 1, 'ordered a trumpet-signal to be given') that the knights should come...'.
The second of these gives better sense; yet for this we should expect τοῖς ἱππεύσι. Possibly And. has written the accusative by analogy with the construction of *κελεύειν*; if this is not tolerable, we must accept alternative 1.

ἔτι νυκτὸς: 'before daybreak'. That the orders to the infantry and to the council were to be carried out by nightfall is shown by *καθεύδειν* and by Th. 6. 61. 2 *καὶ τινα μίαν νύκτα καὶ κατέδαρθον ἐν Θησείῳ τῷ ἐν πόλει ἐν ὅπλοις*. An explanation of why the order concerning the knights had not to be executed until the night was nearly over must await an explanation of what the significance of that order was. Blass however, assuming that this clause reports an order to the knights to assemble, and that the knights ought to assemble at the same time as the infantry (both of which assumptions are open to question), conjectured *ἔτι <πρὸ> νυκτὸς*.

This large army was considered necessary not only to deal with 300 conspirators but to resist any invasion by the Peloponnesians or the Boiotians; it was usual for revolutionaries in a Greek city to arrange for support from outside. The next sentence tells us that the Boiotians were in fact ready to invade.

τὸ Ἀνάκειον: a temple of the Dioskoroι (who were also called *Ἄνακες*), on the north side of the akropolis (Paus. 1. 18. 1).

τοὺς δὲ πρυτάνεις ἐν τῇ θάλῃ: see note on 12 τοῖς πρυτάνεσι.

ἐπὶ τοῖς ὁρίοις: 'on the frontier' of Boiotia and Attica, ready to invade. Cf. Th. 6. 61. 2:

καὶ γάρ τις καὶ στρατιὰ Λακεδαιμονίων οὐ πολλὴ ἔτυχε κατὰ τὸν καιρὸν

τοῦτον ἐν ᾧ περὶ ταῦτα ἐθορυβοῦντο μέχρι Ἰσθμοῦ παρελθοῦσα, πρὸς Βοιωτοὺς τι πράσσοντες. ἐδόκει οὖν ἐκείνου (i.e. Alkibiades) πράξαντος καὶ οὐ Βοιωτῶν ἔνεκα ἀπὸ ξυνθήματος ἦκειν, καὶ εἰ μὴ ἔφθασαν δὴ αὐτοὶ κατὰ τὸ μήνυμα ξυλλαβόντες τοὺς ἄνδρας, προδοθῆναι αὐτῇ πόλιν.

What the business was that brought the Spartans to the Isthmus and the Boiotians to the Attic frontier, we have no means of knowing. But since Thucydides (who may well have been in the Peloponnese at the time) seems certain that the Spartans' business concerned Boiotia rather than Athens, and since no invasion of Attica actually took place, we may perhaps reject the opinion of the Athenians and Makkink that the movements were part of an oligarchic plan to deliver the city to the enemy. On the conflict between the chronology of the accounts of And. and Thucydides, see Appendix E.

ἐδείπνει: Dinner at the *πρυτανεῖον* was a usual reward for a public benefactor; e.g. Pl. *Ap.* 36d, Ar. *Frogs* 764, Isok. 15. 95, Ais. 3. 196. The imperfect does not mean (as Jebb thought) that Diokleides enjoyed this privilege for more than one day, since it was on the following day that his story was discredited. It merely shows that his dining was contemporaneous with the events of the preceding sentences: 'while everyone else was in a panic, he was having a good time'.

46. παρήσαν ἀναμνήσκεσθε: The change from 3rd person to 2nd is perfectly natural, even if hard to justify logically. Cf. Lys. 12. 97 ὅσοι δὲ τὸν θάνατον διέφυγον, . . . ἦλθετε εἰς τὸν Πειραιᾶ. For this type of request, cf. D. 50. 3. ὅσοι μὲν τῶν στρατιωτῶν ἔστε καὶ παρήτε ἐκεῖ, αὐτοὶ τε ἀναμνήσθητε καὶ τοῖς παρακαθημένοις φράζετε, and 47. 44.

διδάσκετε, at the end of the paragraph, simply repeats the preceding *διδάσκετε*. The jurors would naturally not begin talking to one another while And. was still speaking the words *εἶτα δέ μοι . . . τοὺς ἄλλους*, but would wait for him to stop speaking. The second *διδάσκετε* is an indication that And. has finished speaking for the moment, and that the jurors may now talk to one another, while Philokrates and his companions are being called and are coming forward: 'Go on, tell them about it'. Cf. Is. 3. 15 ἀνάγνωθι δὴ καὶ τὰς περὶ τῶν πλησιασάντων αὐτῇ μαρτυρίας . . . ἀναγίνωσκε αὐτοῖς. It is not necessary to delete the word, as most editors do.

47. ἀναγνώσομαι: This form usually has an active meaning, but cf. D. 19. 187, 19. 297, 23. 115. See also note on 25 ἀνέγνω. 'I will have the names read to you.'

ἀναγίνωσκε: As the clerk reads the list of names, And. comments on each one. The comments are very curt, and are not complete sentences; they lack verbs and connective particles. For the use of a

running commentary on a document while it is being read, cf. D. 45. 24-25. For the relationships, see Appendix K. It is possible that two names have been lost from this list; see note on 68.

Χαρμίδης: cf. 16.

Ἀριστοτέλους: It is quite possible that this is the same Aristoteles as a general of 426/5 (Th. 3. 105. 3), a hellenotamias of 421/0 (*IG* i² 220 = Tod 71), a general of (perhaps) 431/0 (*IG* i² 299 = *SEG* x 226, where [Ἀριστοτ]έλει Θορα[ιεύ] is restored), and a member of the Thirty in 404/3 (X. *Hel.* 2. 3. 2). See H. T. Wade-Gery in *JHS* 1 (1930) 292.

ἀδελφοί: 'were brother and sister'; cf. E. *El.* 536.

Ταυρέας may be the Taureas who quarrelled with Alkibiades when they were rival choregoi (*Ag. Alk.* 20-21, D. 21. 147).

Εὐφήμος: cf. 40.

Φρύνιχος ὁ ὀρχησάμενος: 'Phrynichos, who used to be a dancer'. It seems that Phrynichos was so well-known as a dancer that even in an official list he was identified thus. If this is right, he is probably the Phrynichos mentioned in Ar. *Wasps* 1302, 1490, 1524. The first of these passages shows that in 422 he was the leader of a 'smart set'. There is no evidence to show whether he is the Phrynichos who was a leader of the oligarchic revolution in 411.

But it is certainly surprising that a man should be identified in an official list as 'the former dancer' instead of by a patronymic or demotic. ὁ ὀρχησάμενος may be a gloss which has got into the text, written perhaps by someone who thought that the Phrynichos referred to here was the early tragedian (who was especially associated with dancing; see Ath. 22a, Plu. *Eth.* 732f). Wilhelm conjectured δ' Ὀρχησαμενοῦ; but if ὁ ὀρχησάμενος is a gloss it may have ousted any name, not necessarily one resembling itself.

It is not clear whether *Ἀνεψιός* here means that Phrynichos was a cousin of And. or of Kallias son of Telokles.

Εὐκράτης: Diognetos, the other brother of Nikias, had already been denounced by Teukros (15). From Ar. *Lys.* 103 we learn that Eukrates was a general in Thrace in 412/1; that passage does not suggest that he was conspicuously brave, and the scholiast adds *καμωδεῖται δὲ ὡς δωροδόκος καὶ προδότης καὶ ξένος* (but ξένος, at least, can hardly be accurate, and the scholiast has perhaps confused him with the demagogue of Ar. *Knights* 254). He was a general again in 405/4; like Diognetos, he refused to join the oligarchs, and was put to death by the Thirty (*Lys.* 18. 4-5).

Κριτίας: the man who became the leader of the Thirty in 404. He was related not only to And. but also to Plato (since Kritias's father Kallaischros and Plato's grandfather Glaukon were brothers).

τετταράκοντα: forty in addition to Mantitheos and Apsephion (43).

48. ἐν τῷ αὐτῷ: 'in the same prison'.

λέγει πρὸς με Χαρμίδης: According to Plu. *Alk.* 21. 4-6, the man who persuaded And. to give information was one Timaios, with whom he became friendly while in prison. (This implies a longer imprisonment than one night.) Plutarch's account begins:

συνέβη δὲ τῷ Ἀνδοκίδῃ μάλιστα τῶν τὴν αὐτὴν αἰτίαν ἐχόντων ἐν τῷ δεσμωτηρίῳ γενέσθαι συνήθη καὶ φίλον ἔνδοξον μὲν οὐχ ὁμοίως ἐκείνῳ, συνέσει δὲ καὶ τόλμῃ περιττόν, ὄνομα Τίμαιον. οὗτος ἀναπείθει τὸν Ἀνδοκίδην ἑαυτοῦ τε κατήγορον καὶ τινων ἄλλων γενέσθαι μὴ πολλῶν ὁμολογήσαντι γὰρ ἄδειαν εἶναι . . .

Makkink 166 draws attention to the wide difference between this account and And.'s ('Hoe Blass dit "eine geringe Differenz" kan noemen is mij een raadsel'), and thinks that Plutarch's version is probably an account of a different occasion, which has been inserted in the wrong place. See Appendix D.

49. ὅτι is used to introduce direct speech also in 63, 120, 135.

οἷς ἐχρῶ καὶ οἷς συνῆσθα: 'your friends and associates'. This clearly means Euphiletos, Meletos, and the rest of those referred to as τῶν ἐταίρων τῶν ἑαυτοῦ in 54 and ἡμῶν in 61. A group of friends might be called ἐταῖροι or ἐταιρεία, and such a group might engage in politics as well as in other activities. But these words do not necessarily have any political implication (just as the English 'comrade', though it sometimes has a political implication, does not always have it), and the translation 'club' is a bad one, since it implies a degree of organization which a group of friends would not normally have. ἐταιρεῖαι have been studied in detail by Calhoun and by Sartori, and more briefly by Anton-Hermann Chroust *Treason and Patriotism in Ancient Greece* (in *Journal of the History of Ideas* xv (1954) 280-8); but all these writers from time to time assume too readily the existence of political aims and clear-cut organization in cases in which there is no evidence for them. And.'s ἐταῖροι, however, probably did have political interests; see Appendix G.

Charmides seems to expect that in an emergency And. would normally put his ἐταῖροι before his relatives (cf. Th. 3. 82. 6 on the effects of civil strife: καὶ μὴν καὶ τὸ ξυγγενὲς τοῦ ἐταιρικοῦ ἀλλοτριώτερον ἐγένετο), but argues that now he should give information to save his relatives because his ἐταῖροι have already been exposed and so cannot suffer further harm as a result of his revelations (cf. 52-53).

σφῶν αὐτῶν καταγνόντες ἀδικεῖν: cf. 3. After these words the ms. has a gap equivalent in length to about twelve letters. As far as I can

see, nothing has been erased here, and the scribe is not likely to have left so large a space by accident. Why should he have left a space deliberately? Presumably he thought that a word or words of about this length ought to be put in, but did not know what the words were. How could he discover that words were missing without knowing what the words were? Presumably the words were (or had been) in the ms. from which he was copying, but he could not read them, perhaps because the page was torn or dirty. A similar but much shorter gap (equivalent in length to two letters) occurs after the second *εἶτα* in 56; although I am not quite certain, I do not think that there is an erasure there. I suggest that two consecutive leaves (or one leaf with writing on both sides) of the ms. from which our ms. was copied may have been torn, probably at one corner, and that the scribe, realizing that this tear had removed several words from one leaf and one small word from the next leaf (or the reverse of the same leaf), left suitable gaps in his copy in the hope of filling them in later by reference to another ms.

In 56 it is easy to supply *δε*, but for the longer gap the number of possible supplements is so large that guesses are futile.

50. *δς ἔχει* . . . : 'the husband of your only sister'.

51. *Ὡ πάντων ἐγὼ* . . . : 'I, above all men, have met with a most dreadful misfortune! Am I to do nothing while my own relations are put to death unjustly, and suffer execution and confiscation, and are recorded on monuments as sinners against the gods, although they are not responsible for any of what has happened; and while three-hundred Athenians are liable to be put to death unjustly; and while the city is suffering the greatest trouble and mutual suspicion? Or shall I . . .'. And. makes as much as he can of the misfortunes from which he saved Athens. The three-hundred Athenians are those whom Diokleides claimed to have seen by moonlight (37); they are men who had not yet been accused but might be (*μέλλοντας*). On the aorist infinitive with *μέλλω*, see LSJ *μέλλω* II. *έχοντας* qualifies *τὴν πόλιν*; cf. 15 *τῇ βουλῇ* . . . *δοῖεν*.

Εὐφιλήτου: already denounced by Teukros (35).

52. *ἐπὶ τούτοις*: 'besides this'.

τούς ἐξημαρτηκότας: 'that those who were guilty and had done the deed had some of them already been executed'. For the change from direct-speech tenses after *ὅτι*, cf. X. *An.* 1. 2. 21, 2. 2. 15, 3. 1. 2; at *ἐρεῖ* in 53 And. suddenly reverts to the more usual practice.

Παναίτιος: see note on 13.

Λυσίστρατος may well be the ever-starving joker who was a member of Phrynichos's set (for which see note on 47) and was 'a disgrace

to the Cholargians' (Ar. *Ach.* 855, *Knights* 1267, *Wasps* 787, 1302, 1308, fr. 198; *Lys.* 1105 does not prove that he was in Athens in 411). Whether he is the Lysistratos of Ant. 6. 36 there is no means of telling.

53. οὓς εἰκὸς ἦν . . . : 'and it was natural to think that they above all were among those men whom . . . '.

τοῖς μὲν: the four just named.

νῦν: in 400.

54. ἄλλων: 'other' than those mentioned in the previous sentence, who already know the facts because they were directly affected by them. (Sluiter's <ῆ> τῶν ἄλλων is therefore not essential.) 'If any of you other citizens had previously got the idea that I . . . '.

ὥς ἄρα: see note on 4.

55. αὐτῶν παρόντων . . . : 'in the presence of the very men who committed the crime and went into exile because they did it'.

56. ἐμοὶ γάρ, ὦ ἄνδρες, . . . : 'since for me, gentlemen, the most important thing in this trial is that I should be acquitted and so have my reputation cleared'. My punctuation produces a rather long and clumsy but quite intelligible sentence; that is, just such a sentence as And. often writes. Most editors use no brackets and place a full-stop after γενόμενα, but my punctuation seems preferable for two reasons:

1. σωθέντι means 'acquitted'. And.'s acquittal depends on the jury, not on the other citizens, and this clause should therefore be connected more closely with ὑμᾶς δεῖ μαθεῖν than with τοὺς ἄλλους πάντας.

2. ἄλλους means 'others besides you', and implies that 'you' has already occurred in this sentence. Most editors who have placed a full-stop at γενόμενα have therefore found it necessary to emend the text in order to introduce a mention of 'you' between the full-stop and ἄλλους; Reiske, for example, inserted ὑμῖν after δοκεῖν, Blass inserted ἀλλὰ πρῶτον μὲν ὑμᾶς after εἶναι. My punctuation brings the existing ὑμᾶς into the same sentence as ἄλλους, making emendation unnecessary.

γεγενημένην μάλιστα . . . : 'which afflicted the city above all, and also afflicted us', i.e. And. and his relations.

57. ἀνθρωπίνως: 'by human standards'; that is, making allowance for human weakness. Cf. And. 2. 6: ἔστιν ἐν τῷ κοινῷ πᾶσιν ἀνθρώποις καὶ ἑξαμαρτεῖν τι καὶ κακῶς πράξαι. ὦν ἕνεκα, ὦ Ἀθηναῖοι, εἰ ἀνθρωπίνως περὶ ἐμοῦ γιγνώσκεετε, εἴητε ἂν ἄνδρες εὐγνωμονέστεροι.

ὥσπερ ἂν αὐτὸν ὄντα: 'as one would if one were oneself'. In full this would be ὥσπερ ἂν ἐκλογίζοιτό τις αὐτὸς ὦν; when ἐκλογίζοιτο is omitted the influence of χρή causes And. to turn αὐτὸς ὦν into the accusative. (The words omitted are not, as Jebb thought, χρεῖη

ἐκλογίζεσθαι; 'as one ought to judge it if one were . . .' is not the sense required.)

εἰ μὲν γὰρ ἦν . . . : The sense must be 'if it had been possible to choose one of these two alternatives', but the exact reading remains uncertain. Bekker proposed *δυοῖν* for *δυσι*, but this is not adequate; 'if it had been possible to choose one of two alternatives' cannot be right because it actually was possible to choose one of two alternatives—giving information or remaining silent. *τοῖνδε* or *τούτοις* would give the required sense, but it is not clear why either of these should have become corrupted to *δυσι*.

ἔχοι ἂν: 'would be able'. For the change of mood cf. D. 18. 206 εἰ μὲν τοῖνυν τοῦτ' ἐπεχειροῦν λέγειν . . . , οὐκ ἔσθ' ὅστις οὐκ ἂν εἰκότως ἐπιτιμήσειέ μοι, and Kühner–Gerth *Griechische Grammatik* ii⁴ 472.

τὰ γενόμενα: And.'s giving of information in order to save his life. The argument is: 'If the choice had been between honourable death and dishonourable survival, I might be blamed for preferring life to death. But when the choice was between dishonourable death and honourable survival, how can I be blamed for preferring life?' And. has then to show that his survival by means of giving information was indeed more honourable than his death would have been; these two alternatives are contrasted in *σιωπήσαντι μὲν . . . ταῦτα μὲν οὖν ἦν ἐμοῦ μὴ εἰπόντος* and *εἰπὼν δὲ . . . μᾶλλον ἔφευγον*.

τοῦτο: a cowardly action leading to dishonourable survival.

58. ὅπου δὲ τούτων τὸ ἐναντιώτατον ἦν: sc. μοι, with which *σιωπήσαντι* agrees: 'but in a situation where my dilemma was just the opposite of this'. ὅπου begins a subordinate clause, but the main clause is never reached, because after *ἡμαρτον* the sentence is interrupted by a parenthesis and then resumed in a different form.

σιωπήσαντι μὲν . . . : 'either, if I said nothing, to die myself in the greatest disgrace, although I had committed no impiety, and also to allow the death of my father . . .'. For *τε . . . δὲ* cf. 5 and Denniston 513–14.

ἀπώλλυεν: 'was going to be responsible for their death', Latin *interfecturus erat*. All the imperfects down to the end of 59 are similar.

ἔδησεν αὐτούς: 'caused them to be imprisoned'.

59. ταῦτα μὲν οὖν sums up everything since *σιωπήσαντι μὲν*.

60. ἐλάμβανε: 'was going to receive' the reward offered for information.

61. εἶδειν τοὺς ποιήσαντας: 'I knew who were guilty'; not 'I knew the guilty men', which would require *γινώσκειν*.

ἐξέδειξα: 'Revealed' is clearly the meaning demanded by the context, but the reading of the ms. cannot provide it. *ἐξέλεγχω* means

'examine', 'prove wrong', or 'prove guilty'. (In *Pi. N.* 10. 46 it means 'check the number of', and in *D.* 38. 20 'prove a claim to', but these are exceptions not relevant to our passage.) I have found only two passages in which it might be thought to mean 'reveal'. In *Th.* 3. 64. 4 we read ἃ δὲ ἡ φύσις αἰεὶ ἐβούλετο, ἐξηλέγχθη ἐς τὸ ἀληθές. But this, I think, means 'It was conclusively proved that your natural inclinations were always guilty' of favouring Athens. (Crawley translates 'The real bent of your nature has been at length damningly proved'.) At first sight *Pi. O.* 10(11). 53 appears to give us the sense 'reveal': ὁ τ' ἐξελέγχων μόνος ἀλάθειαν ἐτήτυμον Χρόνος. But no; ἐτήτυμον is predicative, so that ἐξελέγχων means 'proving'. We must translate 'Time, who alone proves that truth is true'; that is, proves that what seems to be true is really true. ('Truth to impression is proved to be truth to reality,' writes Gildersleeve on this passage.)

So ἐξήλεξα cannot give us the required sense of 'revealed'. The normal meaning of the verb is impossible in this context. 'I proved that what had happened was wrong' makes no sense. 'I proved that my statements about what had happened were true' (giving the verb the sense it has in *Ant.* 6. 47) would make sense; but τὰ γενόμενα cannot mean 'my statements about what had happened'. 'I investigated what had happened' makes sense, but does not suit the context; And. was giving information, not making an inquiry. LSJ (in the *addenda* to the ninth edition) offer the translation 'pass in review'. This rather vague phrase might mean either 'investigate' or merely 'mention'; but 'investigate', as I have said, does not suit the context, and 'mention' is not the meaning of ἐξελέγω.

I suggest therefore that And. wrote ἐξέδειξα. In an uncial manuscript Δ is easily confused with Λ and Ι with Γ; and it would be natural for a copyist to 'correct' ἐξέλεξα to ἐξήλεξα. Curiously enough, this particular compound of δείκνυμι seems not to occur elsewhere in Attic prose. But δείκνυμι itself is of course common; and ἐκδείκνυμι is used by both Sophokles (*El.* 348, *OK* 1021) and Euripides (*Hipp.* 1298) in the sense of 'reveal' something previously hidden. Its absence from prose may be due to chance. And. uses other words in this speech which do not occur elsewhere in Attic prose, so that objection can hardly be made to ἐξέδειξα on this ground.

οὐ γένοιτο δι' ἐμέ: 'I was responsible for the plan's rejection'.

ἐν Κυνოსάργει: Kynosarges, a place east of Athens, contained a shrine of Herakles and a gymnasium.

τὴν κλεῖν συνετρίβην καὶ τὴν κεφαλὴν κατεάγην: 'broke my collar-bone and cut my head'. For the limiting accusatives cf. *Lys.* 3. 14 κατεάγη τὴν κεφαλὴν, 18 συντριβόμεθα τὰς κεφαλὰς.

62. παρὰ τὸ Φορβαντεῖον: 'near the shrine of Phorbas'. According to Harpokration s.v. (= Andron of Halikarnassos F1 and Hellanikos F40), the Phorbanteion in Athens was named after a Phorbas who was a son of Poseidon and king of the Kouretes, and was killed by Erechtheus. There was another Phorbas, who was a companion of Theseus (E. *Sup.* 680, Pherekydes F152) and therefore seems more likely to have been honoured as an Athenian hero; yet it may be unwise to disregard the authority of Hellanikos on an Athenian genealogical antiquity.

ἡ Αἰγῆς: The fact that the Hermes was set up by the Aigeis tribe does not prove that it (and the Phorbanteion) were in an area allotted to this tribe. On the contrary, since And.'s family had lived in the same house for a very long time (147), i.e. probably since before 507, we may assume that And.'s house, the Phorbanteion, and the Hermes were all in (or very near) Kydathenaion, which belonged to the Pandionis tribe.

μόνος may be an exaggeration. And.'s statement is supported (or repeated) by Philochoros F133 (if we accept Duker's insertion <οὐ>), Plu. *Nik.* 13. 3, and Nepos *Alc.* 3. 2. But Th. 6. 27. 1 says only that most of the Hermai were mutilated, and this version is followed by Plu. *Alk.* 18. 6, 21. 3, while *Life of And.* 5 (= Kratippos F3) speaks only of 'the Hermai around the agora'. Plu. *Nik.* 13. 3, *Alk.* 21. 3 adds that even in his time this Hermes was still called 'Andokides's'; cf. Ais. 1. 125.

63. δεινὰ ἐποίουν: 'expressed their anger'. δεινὰ ἐποιοῦντο would mean merely 'were angry', but the active seems to denote the outward expression of anger or grief; e.g. Hdt. 3. 14. 6 κλαίωντων καὶ δεινὰ ποιεύντων.

Μέλητος: denounced by Teukros (35). See Appendix M.

σὺ μέντοι: 'now, as for you'. μέντοι marks 'a new stage in the march of thought' (Denniston 407-8).

χαλεπώτεροι . . . : 'our enmity will be more effectual than any friendships that you can make by betraying us' (Jebb).

64. οὐκ ἐμέ δεινὸν εἶναι ὅτι οἶδα: 'that my knowledge did not make me dangerous'.

Ὡς οὖν ἦν ταῦτ' ἀληθῆ . . . : 'To prove that this was true, I handed over my slave for torture, to prove that I had (at the time of the crime) been ill and had not even been getting up'. The ὅτι-clause is a subdivision of the ὥς-clause; the other subdivision (the statements proved by the maidservants) is not expressed. The two main clauses of the sentence are equivalent to 'it was proved' or 'evidence was provided' and for this reason can have indirect statements attached to them.

βασανίσαι is an infinitive of purpose. On the torture of slaves, see note on 22 ἐκέλευε δὲ βασανίσαι

οἱ πρυτάνεις: see note on 12.

ὅθεν ὀρμώμενοι ταῦτ' ἐποιοῦν ἐκεῖνοι: 'of the house from which the conspirators set out to commit the crime'.

65. Ἀλκιβιάδην τὸν Φηγούσιον: Alkibiades of Phegous (a deme near Marathon (Steph. Byz. *Ἀλαὶ Ἀραφηνίδες*), belonging to the Erechtheis tribe) was doubtless the cousin and fellow-exile of the famous Alkibiades referred to by X. *Hel.* 1. 2. 13. (Harpokration *Ἀλκιβιάδης* merely calls him a friend (ξένος) of his famous namesake.) According to Xenophon's text, he was stoned to death by Thrasyllus during the Ionian War, in 410 or 409; however, κατέλευσεν in this passage is commonly emended (see, for example, A. Andrewes in *JHS* lxxiii (1953) 4 note 11).

Why he and Amiantos induced Diokleides to make his fictitious revelations is a question to which various answers have been suggested. But the evidence is not sufficient to justify any conjecture; we do not even know whether Diokleides was telling the truth when he blamed these two.

ἐξ Αἰγίνης: Aigina had been occupied by Athenians since 431 (Th. 2. 27. 1); so this man was probably an Athenian rather than a true Aiginetan.

66. ὅμεις: the citizens of Athens; that is, the assembly (see note on 7 ἐάλωσαν παρ' ὅμιν).

ἀπεκτείνετε: On what ground was Diokleides condemned to death? A guilty man who gave information to earn immunity was executed if his information was shown to be false (20); but Diokleides was not guilty of mutilation of the Hermai, and the normal penalty for perjury (see note on 7 ψευδομαρτυριῶν) was less severe. Perhaps he was accused of 'deceiving the people', for which the penalty was death (D. 20. 135, 23. 97).

τοὺς φεύγοντας: those who went into exile when named by Diokleides; that is, Mantitheos and Apsephion (44) and perhaps others.

λαβόντες τὰ ὄπλα ἀπήτε: cf. 45 ἵεναι τὰ ὄπλα λαβόντας. The state of emergency which began then was now declared to have ended.

67. τῆς τύχης: genitive of the source of pity. This is common enough with οἰκτίρω, but I have noticed no other instance with ἐλεῶ in Attic.

τῶν γενομένων: 'what I did'.

πίστιν τῶν ἐν ἀνθρώποις ἀπιστοτάτην: 'one of the most treacherous pledges that men could make'. An oxymoron; the conspirators were

to be loyal to each other but disloyal to Athens. The way in which the mutilation served as a pledge is explained on page 192.

ὧν: i.e. *ταῦτα* (the abuse) ὧν. For the double object with *λοιδορῶ*, cf. Pl. *Phdr.* 241c.

πρὶν and τότε are emphatic. In order to show that he did not betray his friends, And. stresses that he did not give any information until after most of them were already beyond the reach of further punishment.

68. δέ γε: 'yes, but'.

ἀνεψιοὶ τρεῖς, τῶν ἄλλων συγγενῶν ἑπτά: These numbers do not fit the list of eight names in 47. Of various suggested remedies, the best alternatives seem to be:

1. Emend *ἀνεψιοὶ τρεῖς* to *ἀνεψιὸς εἷς* (so A. Elter in *Rheinisches Museum* lxi (1914) 253-4). Phrynichos (see note on 47) must then be regarded as a cousin of Kallias son of Telokles, not of And.

2. Emend *ἑπτά* to *πέντε* (so Sluiter). Phrynichos and Nisaios (And.'s second-cousin) must then both be regarded as And.'s cousins.

3. Assume that two names have been lost from the list in 47.

ὄρωσι τοῦ ἡλίου τὸ φῶς: in the sense 'are alive' this expression is poetic.

69. ἰδόντες: cf. 37 *μάρτυρες*, 46 *παρήσαν*. And. maintains his assumption that some of the jury were actually present at the events he has been describing, and Reiske's emendation *εἰδότες* is therefore unnecessary.

οὐ: the clerk of the court.

τοὺς λυθέντας: not all of the men listed in 47; Leogoras, for example, was now dead (148).

μέχρι τούτου: looking forward to *ἕως* . . . , and contrasted with *ἔπειτα*. 'They will give evidence for just so long.'

71-91. The amnesties and revision of the laws in 405-3. And. does not say precisely which of the measures of these years he claims applied to his own case; he simply recounts them all, perhaps to baffle his audience with a show of learning and completeness. The strength of this part of his case is discussed in Appendix I.

71. ἐνέδειξε refers to the occasion when Kephisios gave notice that he wished to prosecute And., *κατηγορίαν* to the case he presented during the trial.

κείμενον: 'existing', 'now in force'.

72. καίτοιγε τοιαύτην . . . : 'Yet I shall be making this kind of defence about it (the decree) in circumstances in which if I do not convince you I shall be punished myself, whereas if I do convince you

I shall have made a defence for my opponents.' If And. fails to prove his case, he will be convicted; but if he succeeds in proving that the decree of Isotimides is not valid after 403, his accusers will no longer be liable to prosecution for their own offences committed before 403. These offences are explained in 92-99.

μὴ πείθων μὲν: When μέν/δέ are used to contrast negative and positive forms of the same verb, the negative adheres closely to the verb and is not separated from it by μέν, which thus is placed third word in its clause or phrase instead of second. (When the contrast is not between negative and positive forms of the same verb, a negative applying to the μέν-clause only is placed after μέν.) Cf. And. 3. 26 μὴ βοηθούντων μὲν . . . βοηθούντων δέ.

ζημιώσομαι, εἰρήσεται: the usual forms for the future passive of these two verbs. (Yet ζημιωθήσομαι and ῥηθήσομαι also occur.)

ἀλλὰ γὰρ: 'but still'. καίτοιγε introduced an objection to And.'s method of defending himself. Now And. gives a reason for rejecting that objection. See note on 22.

73. αἱ νῆες διεφθάρησαν: at Aigospotamoi in 405.

ὁμονοίας: For this ideal cf. 106-9, 140, and Jones 77-84.

τοὺς ἀτίμους ἐπιτίμους ποιῆσαι: 'to restore citizen-rights to those who had lost them'. In the emergency it was important that the city should be united, with no discontented minority. In the parabasis of the *Frogs* (performed at the beginning of 405) Aristophanes urged this policy: ἀτιμόν φημι χρῆναι μηδέν' εἶν' ἐν τῇ πόλει (*Frogs* 692).

εἶπε τὴν γνώμην: his proposal is given in full in 77-79.

Πατροκλείδης is perhaps identical with the proposer of the first part of the Aphytaian decree (*IG* i² 58) and with the Patrokleides of Ar. *Birds* 790.

τίνα τρόπον ἕκαστοι;: 'what rights had each group lost?'

οἱ μὲν ἀργύριον . . . πρόσταξις ἦν: This passage may be paraphrased as follows. (Additions in brackets are explanations not given by And.)

A. Those who owed money to the treasury (who lost their citizen-rights and also were liable to forfeit their property):

1. Men found guilty:

(a) At the examination of their conduct in office.

(b) In ejectment cases.

(c) In public cases.

(d) Who were required to pay fines.

2. Men who:

(a) Bought tax-collecting privileges from the treasury and failed to pay for them.

- (b) Gave security to the treasury (for the payment of the purchase-money for tax-collecting privileges).

All in classes 1 and 2 were required to pay during the ninth prytany; otherwise they had to pay double, and their property had to be sold.

3. Men found guilty of:

- (a) Embezzlement.
- (b) Corruption.

In class 3 the guilty men's descendants lost their rights as well as themselves (and they had to pay ten times the amount for which they were condemned).

B. Those who lost their citizen-rights but kept their property were men found guilty of:

- (a) Deserting their posts.
- (b) Avoiding military service.
- (c) Cowardice.
- (d) Avoiding a naval battle.
- (e) Throwing away their shields.
- (f) Giving false evidence on three occasions.
- (g) Falsely acting as summons-witnesses on three occasions.
- (h) Maltreating their parents.

C. Those who lost their citizen-rights 'according to specifications'; that is, they lost some of their rights but not all. For example:

1. Soldiers who stayed in Athens in the time of the tyrants kept all the rights of citizens except that they were not allowed to speak in the assembly or be members of the council. These were the rights they lost; this was their 'specification'.

2. Other 'specifications' forbade certain persons to:

- (a) Prosecute in a public case.
- (b) Bring an *ἐνδειξις*.
- (c) Sail to the Hellespont.
- (d) Sail to Ionia.
- (e) Enter the agora.

εὐθύναι: Every Athenian magistrate had to undergo an examination of his conduct while in office. The examination took place every prytany (Lys. 30. 5, *Ath. Pol.* 48. 3). In the first place, his accounts were examined by the ten public auditors (*λογισταί*), chosen by lot from the members of the council (*Ath. Pol.* 48. 3), who were assisted by ten advocates (*συνήγοροι*), also chosen by lot (*Ath. Pol.* 54. 2). They then referred his case to a law-court (*Ath. Pol.* 54. 2); in the court the advocates presumably acted as prosecutors if the accounts had seemed unsatisfactory (Lipsius 104, Bonner and Smith ii 35). *Ath. Pol.* 54. 2 lists three kinds of offence with which he might be charged:

embezzlement (κλοπή), corruption (δῶρα), and the vague 'malefaction' (ἀδίκιον). Here And. probably has the third of these particularly in mind, since he mentions the other two separately in 74; 'malefaction', as opposed to embezzlement and corruption, no doubt means depriving the state of money by culpable neglect or inadvertence, as opposed to deliberate deception. At this trial it was possible also for anyone else to bring charges against him (Ais. 3. 23, D. 18. 117). A magistrate who had not handled public money had of course no accounts to be examined, but he had to give a written undertaking that οὐτ' ἔλαβον οὐδὲν τῶν τῆς πόλεως οὐτ' ἀνήλωσα (Ais. 3. 22).

Next the ten examiners (εὔθυνοι), one chosen by lot from each tribe and each assisted by two assessors (πάρεδροι), sat in the agora for three (or possibly thirty; the text is doubtful) days after his discharge by the law-court to receive written complaints against his conduct in office (*Ath. Pol.* 48. 4). An examiner who received a complaint considered it with his assessors in the auditors' offices (78 ἐν τοῖς λογιστηρίοις, cf. *Lys.* 20. 10); complaints which were thought justified were passed on to the deme-judges if they concerned private affairs, or if they concerned public affairs to the thesmothetai for reference back to a law-court (*Ath. Pol.* 48. 5), in which the accused man was prosecuted by a γραφή (78).

The examination of accounts was called λόγος; the examination as a whole was usually called either λόγος καὶ εὔθυνα or simply εὔθυνα (or εὔθυνα or εὔθύνη). And. here refers to the whole examination (not to the financial part alone, for in 78 the εὔθυνοι, not the λογισταί, are mentioned); any magistrate found guilty at his εὔθυνα might be ordered to pay a fine, and thus become a debtor to the treasury.

ἐξούλας: 'ejectments'. If a man claimed that he had a right to some property which another man held and refused to give up, he might prosecute by a δίκη ἐξούλης. Such a case could be brought if (and perhaps only if) the plaintiff made one of these claims:

1. That the property had been awarded to him by the decision of a court in a previous case.

2. That the property was the security for a debt which the defendant owed him and had failed to pay.

3. That he was the heir of the previous owner of the property (i.e. the legitimate son, or adopted son, if adopted in the adopter's lifetime and not by will, or subsequent descendant in the direct male line; other heirs had to proceed by ἐπιδικασία, for which see note on 119 ἐπιδικάζου, and in disputed cases by διαδικασία, for which see note on 28 διαδικάσαι; though of course an heir who had already made a successful claim in these ways could afterwards, if necessary, bring a case of ἐξούλη in category 1).

4. That he had bought or leased the property from the state.

If the defendant lost the case, he had not only to restore the property to the plaintiff but also to pay to the state a fine equal to the value of the property; this made him a debtor to the treasury. Other aspects of this type of case raise difficult problems which are too complicated for consideration here. The ancient sources are D. 30-31, 21. 44, Harpokration ἐξούλης, Polydeukes 8. 59, *P. Oxy.* ii. no. 221 col. 14 lines 10-16. The chief recent discussions are those of Lipsius 664-73, J. C. Naber in *Mnemosyne* xliii (1915) 184-204, Ernst Rabel in *ZSSR* xxxvi (1915) 340-90 and xxxviii (1917) 296-316, Lipsius in *ZSSR* xxxvii (1916) 1-14 and xxxix (1918) 36-51, Max Kaser in *ZSSR* lxiv (1944) 191-205, Jones 203-5.

γραφάς: And. cannot mean to imply that all persons convicted in γραφαί came into this category, because we know that for some kinds of γραφαί not fines but other penalties were imposed, and because persons convicted in certain kinds of γραφαί are included by And. himself in a different category, in 74. So here he is referring only to those persons convicted in γραφαί who were required to pay money to the treasury.

ἐπιβολάς: 'fines'. Some have thought that this word is used only of fines imposed by magistrates, but Ar. *Wasps* 769 seems to me sufficient evidence that it may be used also of fines imposed by juries.

ὥνας: 'privileges of tax-collection'. The privilege of collecting a certain tax (τέλος) due to the state (e.g. customs duties, rents for state property) was often sold to an individual or group of individuals. (Cf. the Roman system of *publicani*.) Usually it was sold at an auction to the highest bidder; the purchasers would be a group of men, whose leader was called ἀρχώνης; they then proceeded to collect the tax, and hoped to collect more than the amount they had undertaken to pay to the state, so as to make a profit; finally, after collecting the tax, they paid over to the treasury the amount they had undertaken to pay (κατέβαλον τὰ χρήματα). At the time when the privilege was purchased, the purchaser had to provide sureties (134 καταστήσας ἐγγυητάς) who guaranteed (ἐγγύας ἡγγυήσαντο) to pay the money due to the treasury if the purchaser failed to do so. Cf. the activities of Kephisios (92-93) and Agyrrhios (133-6).

ἐγγύας ἡγγυήσαντο: 'gave security'; presumably we must understand from the previous clause 'for men who purchased tax-collecting privileges and failed to pay'.

ἡ ἐκτίσις ἦν: literally 'the payment was', i.e. 'the payment had to be made'. Cf. the use of the English 'is payable' to mean 'has to be paid'. We probably need not emend to ἔκτεισις, since τίσις is

undoubtedly an Attic form (e.g. S. *OK* 229, 1329), and ἔκτισις appears also in mss. of other authors (e.g. D. 24. 83, 113, 189, *Ath. Pol.* 8. 4).

ἐπὶ τῆς ἐνάτης πρυτανείας: In D. 24. 40 this phrase must mean 'in the ninth prytany of the year', not 'in the ninth prytany after becoming liable to pay' (this was clearly shown by A. Westermann *Untersuchungen über die in die attischen Redner eingelegten Urkunden, in Abhandlungen der philologisch-historischen Classe der königlich sächsischen Gesellschaft der Wissenschaften* i (Leipzig, 1850), page 57 note), and so it doubtless means the same here. For other instances of payments in the ninth prytany, see *Ath. Pol.* 47. 3-4. *Ath. Pol.* 54. 2 uses a slightly different expression; there it is stated that persons condemned at their εὐθυναί for ἀδίκιον had to make restitution before (πρὸ) the ninth prytany, or else pay double.

ὀφείλειν . . . πεπράσθαι: jussive infinitives. πεπράσθαι has a present meaning, as in Ar. *Ach.* 734, *Peace* 1011.

74. ὅποσοι δ' αὖ κλοπῆς . . . : That this clause belongs to the list of debtors to the state, and not to the list of disfranchised persons who were allowed to keep their property, was shown by Paoli 305-6. δ' αὖ means 'and again', 'and besides'; it commonly introduces a fresh item in a list. In this passage therefore it is obviously out of place with οὗτοι ἦσαν . . . , which is not a fresh item in the list but an explanation of the item introduced in the preceding sentence.

κλοπῆς: A man convicted of theft normally had to pay damages to the owner of the stolen property, and might also be put in the stocks; or in certain circumstances he could even be put to death (D. 24. 105, 113-14). A fine, however, was not one of the penalties imposed for this offence. Thus the only persons required to pay money to the state treasury because of convictions for κλοπή were those who had stolen from the state. We may conclude that And. here refers to officials found guilty of embezzlement, and not to other kinds of thieves. They were required to pay ten times the amount they had embezzled (D. 24. 112, 127, *Ath. Pol.* 54. 2). No other authority confirms And.'s statement that they and their descendants also suffered disfranchisement, but there is no reason to doubt it.

δώρων: A man convicted of this offence was liable to either a fine of ten times the amount of the bribe, or death (Dein. 1. 60, *Ath. Pol.* 54. 2). And.'s statement that disfranchisement was also imposed on both the offender and his descendants is confirmed by the law quoted in D. 21. 113 and by Ais. 3. 232. This applied both to those who gave bribes and to those who accepted them (D. 21. 113).

σώματα: see note on 4.

ὅποσοι λίποιν τὴν τάξιν . . . : λιποτάξιον is desertion of one's post

in the army, ἀστρατεία is failure to join the army when conscripted, and δειλία is a more general term for cowardice. All these offences came under a single law, the text of which was quoted (but is not now extant) in Lys. 14. 5. Since they all came under a single law and all incurred the same penalty, there was no need to make clear distinctions between them, and in practice the meanings of the three terms overlap. For example, λιποτάξιον and δειλία are combined in Lys. 14. 5: τὸν δὲ νόμον κελεύειν, ἐάν τις λῖπη τὴν τάξιν εἰς τοῦπίσω δειλίας ἔνεκα . . . Failure to join the army is both ἀστρατεία and λιποτάξιον in Lys. 14. 7, D. 39. 16-17, Lyk. 147. (By contrast, Pl. *Laws* 943a-d makes a careful distinction between these two offences: στρατεύεσθαι τὸν καταλεγέντα ἢ τὸν ἐν μέρει τινὶ τεταγμένον. ἐάν δέ τις ἐκλείπη τινὶ κάκῃ μὴ στρατηγῶν ἀφέντων, γραφὰς ἀστρατείας εἶναι . . . ἐάν δὲ στρατεύσῃται μὲν τις, μὴ ἀπαγαγόντων δὲ τῶν ἀρχόντων οἴκαδε προπέλθῃ τοῦ χρόνου, λιποταξίου τούτων εἶναι γραφὰς . . . In this matter Athenian law was less precise than Plato's.)

Ais. 3. 175-6 attributes the law to Solon (though this means little; see note on 81 *τέως δὲ* . . .), and confirms And.'s statement that the penalty for all three offences was ἀτιμία by saying that the penalty for all three was the same, and by listing some of the rights which an offender lost: ὁ γὰρ Σόλων ὁ παλαιὸς νομοθέτης ἐν τοῖς αὐτοῖς ἐπιτιμίοις ᾤετο δεῖν ἐνέχεσθαι τὸν ἀστράτευτον καὶ τὸν λελοιπότα τὴν τάξιν καὶ τὸν δειλὸν ὁμοίως . . . ὁ μὲν τοίνυν νομοθέτης τὸν ἀστράτευτον καὶ τὸν δειλὸν καὶ τὸν λιπόντα τὴν τάξιν ἔξω τῶν περιρραντηρίων τῆς ἀγορᾶς ἐξείργει, καὶ οὐκ ἔᾶ στεφανοῦσθαι, οὐδ' εἰσιέναι εἰς τὰ ἱερὰ τὰ δημοτελῆ. Similarly D. 24. 103 attributes to Solon a law imposing ἀτιμία on anyone found guilty of ἀστρατεία: λεγόντων γὰρ τῶν νόμων οὐς ἔθηκε Σόλων . . . ἂν ἀστρατείας τις ὀφλῇ καὶ τι τῶν αὐτῶν τοῖς ἐπιτίμοις ποιῇ, καὶ τοῦτον δεδέσθαι. That ἀτιμία was the penalty for ἀστρατεία is shown also by D. 59. 27; and for λιποτάξιον by Isok. 8. 143, D. 15. 32.

ἀναυμαχίον: Polydeukes 8. 42-43: λιποναντίου μὲν ἐκρίνετο ὁ τὴν ναῦν ἐκλιπών, ὥσπερ ὁ τὴν τάξιν λιποταξίου, ἀναυμαχίον δὲ ὁ τὴν ναῦν μὲν μὴ λιπών, μὴ μέντοι ναυμαχῆσας. Souda ἀναυμαχίον. ὡς τοῦ μὴ στρατεύεσθαι καὶ τοῦ λείπειν τὴν τάξιν καὶ τοῦ τὰ ὅπλα ἀποβαλεῖν ζημίαι ἦσαν ὠρισμένα ἐκ τῶν νόμων, οὕτω καὶ τοῦ <μῆ> ναυμαχῆσαι. τοῦτο τὸ ὀφλημα ἀναυμαχίου ἐκαλεῖτο, ὡς Ἀνδοκίδης. οὕτω δὲ δεῖ καὶ αὐτοὺς καὶ τοὺς ἐξ αὐτῶν ἀτίμους εἶναι. It may be that the second of these explanations is merely derived from a combination of And. and Polydeukes, and so lacks independent authority; and neither of the terms ἀναυμάχιον and λιποναντίον ever occurs anywhere else. Yet there is no need to doubt that the explanations are correct, or that ἀναυμαχίον is rightly restored in And.'s text. ἀναυμάχιον is presumably the offence of a captain who failed to bring his ship into a battle. It is not clear what

name was given to the offence of a man who failed to join the navy when required to do so; since a man who failed to join the army might be accused of either *ἀσπρτεία* or *λιποτάξιον* (see previous note), perhaps failure to join the navy was termed indifferently *ἀναυμάχιον* or *λιποναύτιον*. There is no evidence to show whether these offences came under the same law as *ἀσπρτεία*, *λιποτάξιον*, and *δειλία*, but And. makes it clear that the penalty for *ἀναυμάχιον* was the same as for those three. Why And. does not mention *λιποναύτιον* is not clear; possibly it ought to be restored in the text.

τὴν ἀσπίδα ἀποβάλλειν: Discarding one's shield in order to run away from battle is most often mentioned playfully, as an action inviting laughter rather than as one requiring serious punishment; e.g. Alkaios Z105 (Lobel-Page), Anakreon 85 (Gentili, = 28 Bergk, 51 Diehl), Ar. *Clouds* 353, *Wasps* 19, 592, *Birds* 290, 1481, *Thes.* 829. That it was nevertheless an offence which was specifically forbidden by law and for which the penalty was *ἀτιμία* is shown not only by this passage of And. but also by Lys. 10. 1, Isok. 8. 143, Ais. 1. 29.

ψευδομαρτυριῶν: see note on 7.

ψευδοκλητείας: 'falsely acting as a witness that a summons had been served'. The serving of a summons had to be witnessed. If a defendant failed to appear at his trial and judgment went against him by default, he might claim that he had never received the summons and prosecute the witnesses of the summons (*κλητῆρες*) for *ψευδοκλητεία* (D. 53. 15-17, Polydeukes 8. 44). Harpokration *ψευδοκλητεία* states that this kind of case was brought against the procurers of false summons-witnesses. Lipsius 446 note 101 suggests that this statement arises from a misunderstanding of D. 53; but since Harpokration gives as his authority the now lost speech of Isaios *Against Nikokles*, it seems possible that his statement is correct (even though it does not go far enough), and that a charge of *ψευδοκλητεία* could be brought against procurers of summons-witnesses as well as against the summons-witnesses themselves. For a single conviction for *ψευδοκλητεία* no specific penalty was fixed (D. 53. 18).

75. *μέρος τι*: accusative limiting *ἄτιμοι*.

αὐτῶν: cf. the use of *τὰ σώματα* in 74; 'lost some part of their rights'.

οἷον: 'for example'. (LSJ *οἶος* V 2 b.)

ἐπὶ τῶν τυράννων: 'in the time of the tyrants', referring to the revolution of 411; cf. 78 *τῶν τετρακοσίων*, Isok. 8. 123 *τῶν τυράννων*.

βουλευῆσαι: 'be members of the council'.

τούτων: genitive of separation. Cf. D. 15. 33 *ἀτίμους τοῦ συμβουλεύειν*.

76. *γράψασθαι, ἐνδείξαι*: This kind of *πρόσταξις* was imposed in

particular on prosecutors who failed to obtain one-fifth of the votes (see note on 7 ὑμᾶς πολὺ ἂν . . .).

εἰς τὴν ἀγορὰν μὴ εἰσιέναι: This was one of the disabilities imposed by the decree of Isotimides (*Ag. And.* 9, 24). But the decree of Patrokleides by itself was evidently not sufficient to annul the decree of Isotimides altogether, for if it had been *And.* would certainly have said so. Cf. Appendix I.

ἐξαλεῖψαι: not just 'wipe out' metaphorically, but literally 'obliterate'. The Athenians thought of a decree as a single physical document, not as an abstract rule or pronouncement. So *And.* in the next clause can distinguish 'the decrees themselves' from 'any copies that might exist', a distinction which it would not occur to an English-speaker to make.

πίστιν . . . : This does not in fact occur in the text of the decree which *And.* now quotes.

ἐν ἀκροπόλει: see note on 42.

77-79. 'Patrokleides proposed: Since the Athenians decreed, concerning those deprived of rights and those in debt, that there should be a suspension of penalties, so that it is permissible to make proposals and put them to the vote, the people shall pass the same decree as they passed during the Persian Wars, when it was beneficial to the Athenians. Concerning those registered with the revenue-collectors, or with the treasurers of Athena and the other gods, or with the basileus (or anyone whose name was not recorded) up to the end of the term of office of the council of the archonship of Kallias, all who were deprived of rights or were in debt, and all who have been declared guilty of misconduct in office by the examiners and their assessors in the auditors' offices, or face prosecutions which have not yet come into court concerning the examination of their conduct in office, or have been condemned to suffer specifications or carry out guarantees, up to this same time, and all the names of any of the Four-hundred that are registered, or any other record anywhere of what was done during the oligarchy—except for all names publicly inscribed, of those who did not stay in Athens or who, having been tried by either the Areopagos or the ephetai or at the prytaneion or the Delphinion under the presidency of the basileis, either are in some kind of exile for homicide or were condemned to death either as murderers or as tyrants—all the other names the revenue-collectors and the council shall obliterate; they shall obliterate the names stated from every place where any of them is recorded in public, and also the thesmothetai and other magistrates shall produce any copy that exists anywhere. They shall do this within three days after the people's resolution. It

shall not be permitted for anyone to keep privately the names whose obliteration has been ordered, nor ever to recall grievances; otherwise the transgressor of this rule shall be liable to the same punishment as those sent into exile by the Areopagos, that so there may be the greatest possible loyalty among the Athenians both now and in the future.'

The genuineness of the decrees of Patrokleides, Teisamenos (83-84), and Demophantos (96-98) has long been generally accepted; for those who wish to read the nineteenth-century discussions of it a list of references is provided by Engelbert Drerup in *Jahrbücher für classische Philologie* Supplementband xxiv (1898) 232.

The categories of persons listed in the long sentence in the middle of the decree may be summarized thus:

1. Those who have lost their citizen-rights because they owe debts to a public treasury (περὶ τῶν ἐπιγεγραμμένων . . . ὅσοι ἀτιμοὶ ᾔσαν).

2. Those who owe debts to a public treasury (ὀφείλοντες) and so are liable to lose their rights shortly.

3. Those who face accusations concerning their conduct in office (ὅσων εὐθυναί τινες . . . περὶ τῶν εὐθυνῶν), and so are liable to be declared debtors to a public treasury, and thus are liable to eventual loss of rights.

4. Those who have lost only some of their citizen-rights (προστάξεις).

5. Those condemned as sureties (ἐγγυαί τινές εἰσι κατεγνωσμένοι).

6. Those who were members of the Four-hundred or committed offences under the oligarchy (ὅσα ὀνόματα . . . γεγραμμένον).

These categories include persons who had lost citizen-rights by the end of 406/5, or who at that date were obviously liable to lose citizen-rights soon afterwards (and perhaps had already lost them by the time the decree of Patrokleides was passed). All these persons are to have the records of their offences destroyed, so that those who have lost citizen-rights will regain them. The only persons explicitly excluded (in the πλὴν-clause, enclosed between dashes in the text) are those who have committed crimes serious enough to be punished not with loss of rights alone but also with exile or death, that is, murderers and the guiltiest of the oligarchs of the 411 revolution; exiles were not allowed to return and resume citizen-rights until 404 (80). But the fact that only these are explicitly excluded does not prove that the decree covers all other persons who had lost any citizen-rights for any reason; cf. Appendix I.

77. Πατροκλείδης: see note on 73.

τὴν ἄδειαν: It was forbidden to speak or make proposals about persons deprived of citizen-rights or about state debtors unless per-

mission to do so had first been given by a vote of 6,000 Athenians. D. 24. 45-46, quoting the relevant law, shows that τῶν ἀτίμων καὶ should be restored in the text quoted by And., and also that Maidment's translation '... have enacted that persons disfranchised and public debtors may speak ...' is wrong.

τῶν ὀφειλόντων refers only to persons owing debts to a state treasury, not to persons owing private debts. D. 24. 46 similarly uses τῶν ὀφειλόντων to refer to the same persons as those more fully described, in the law he has just quoted, as τῶν ὀφειλόντων τοῖς θεοῖς ἢ τῷ δημοσίῳ τῷ Ἀθηναίων.

ἅπερ ὅτε ἦν τὰ Μηδικά: This amnesty was in 490 or 480; see note on 107 ἔγνωσαν.

τοὺς πράκτορας: the officials in charge of collecting money due to the state treasury (τὸ δημόσιον).

τοὺς ταμίας: the officials in charge of the treasury of a temple. The ten treasurers of Athena and ten τῶν ἄλλων θεῶν had in 406 been amalgamated into a single board of ten (see W. S. Ferguson *The Treasurers of Athena* 104-9); that is why we do not have here ἢ τοὺς τῶν ἄλλων θεῶν.

τὸν βασιλέα: the archon next in importance after the ἀρχων ἐπώνυμος. He was the head of the state religion, and also presided at trials of cases concerning religion or homicide. He was responsible for collecting rent for sacred property (*Ath. Pol.* 47. 4); persons who failed to pay such rent would therefore be on his list of debtors.

There were no other public treasuries in Athens besides those controlled by the revenue-collectors, the treasurers of Athena and the other gods, and the basileus. All debtors to public treasuries are thus included in this clause of the decree.

ἐξεγράφη: 'Write out' is the usual meaning of this verb in Attic (e.g. Ar. *Birds* 982, *Frogs* 151); Patrokleides means, then, that any debtors whose names have for any reason not been copied on to the lists just mentioned shall still have the benefit of the amnesty. The meaning 'delete', which the verb has in *IG* i² 84. 28, is not likely to be right here; for εἴ τις μὴ ἐξεγράφη would then do no more than repeat τῶν ἐπιγεγραμμένων.

Καλλίας (Ἀγγελῆθεν, not to be confused with any of the other men of this name mentioned by And.) was archon in 406/5. Archons and council both ended their terms of office in the summer; the decree of Patrokleides was passed in the second half of 405.

78. ὅσοι ἄτιμοι ἦσαν: The application of this phrase must be limited to persons included in the expression περὶ τῶν ἐπιγεγραμμένων ... (which otherwise would have no point); it refers therefore not to

all who were disfranchised, but to all who were disfranchised for debt (that is, those described by And. in the second half of 73).

εὐθυναί: see note on 73. If a man had already been declared guilty by the *εὐθυνοί*, that made it very likely that he would be found guilty by the jury which was to try him, and thus, if a fine were imposed, become a debtor to the treasury. It is noteworthy that the *λογισταί* are not mentioned here. Evidently the *λογισταί*, after inspecting a magistrate's accounts, did not formally acquit or condemn him, but merely reported to a law-court the results of their investigation; whereas a *εὐθυνος*, if a complaint brought to him seemed justified, did make a formal condemnation (cf. *Ath. Pol.* 48. 5 *καταγνῶ*), even though ratification by a court (or the deme-judges) was also necessary. For the use of the passive of *καταγιγνώσκω* with a nominative meaning 'trial', 'investigation', or something similar, cf. *Ant.* 6. 3 *δίκη . . . καταγνωσθείσα*.

προστάξεις is explained by And. in 75. The term perhaps covers not only those kinds of disfranchised person described by And. in 75-76, but also those described in 74, whose disfranchisement was only partial in that they were allowed to retain their property; at any rate, those described in 74 are not mentioned elsewhere in the decree. An alternative possibility is that some words have been lost from the text.

ἐγγυαί: The reference is not likely to be to those who were sureties for other men's debts (mentioned in 73), for such persons would themselves become debtors to a public treasury as soon as a court decision was given against them, and would therefore (like all the other persons mentioned in 73) be included in the category of *ὅσοι ἄτιμοι ἦσαν ἢ ὀφείλοντες*, at the beginning of 78. So it is perhaps to *ἐγγυηταί* who had guaranteed the attendance in court of defendants who were charged with offences punishable by loss of rights and failed to attend in court, so that the guarantors became liable to punishment in their place; cf. 44 *τοὺς ἐγγυητάς, οὓς ἔδει ἐν τοῖς αὐτοῖς ἐνέχεσθαι ἐν οἷσπερ οὓς ἡγγυήσαντο*, and note on 2 *ἐγγυητὰς καταστήσας*.

κατεγνωσμένοι: The passive of *καταγιγνώσκω* often has a punishment as its nominative (e.g. *θάνατος* at the end of 78). Here *ὅσων ἐγγυαί τινές εἰσι κατεγνωσμένοι* means 'men who have been condemned to carry out guarantees they had previously given'.

τῶν τετρακοσίων τινός: The reference is to the revolution of 411. Reiske deleted *τινός*, perhaps because a single Athenian had only one name; but a man's father's name might be inscribed with his own.

τῶν μὴ ἐνθάδε μεϊνάντων: Perhaps the leading members of the Four-hundred, who withdrew to Dekeleia at the time of their downfall (*Th.* 8. 98. 1); or perhaps, as Hatzfeld *Alcibiade* 184 note 2 suggests,

those who fled to avoid execution for profanation of the Mysteries or mutilation of the Hermai in 415; or perhaps, more generally, all who were recorded as having committed serious crimes of any kind and fled to avoid punishment.

οἷς seems to me essential, because without a dative plural relative pronoun the case of σφαγεῦσιν ἢ τυράννοις is inexplicable; and if it had ἢ after it as well as before, its disappearance is easily explained. ὅσοις or ὁπόσοις would also be possible; but the smaller the word between ἢ and ἢ, the likelier the occurrence of haplography. Another alternative is to emend σφαγεῦσιν ἢ τυράννοις to σφαγαῖσιν ἢ τυραννίδι (Kirchhoff), but then the corruption is harder to explain.

ἢ ἐξ Ἀρείου πάγου . . . : Plu. *Sol.* 19. 4 quotes a law of Solon which includes the words ἐπιτίμους εἶναι, πλὴν ὅσοι ἐξ Ἀρείου πάγου ἢ ὅσοι ἐκ τῶν ἐφετῶν ἢ ἐκ πρυτανείου καταδικασθέντες ὑπὸ τῶν βασιλέων ἐπὶ φόνῳ ἢ σφαγαῖσιν ἢ ἐπὶ τυραννίδι ἔφενγον. Patrokleides evidently had Solon's law in mind, but did not copy it word for word. (Or if he did, we must assume that Plutarch is not quoting precisely.)

The Areopagos tried cases of intentional homicide (among others). Other cases of homicide were tried by the fifty-one ephetai (*IG* i² 115 = Tod 87, D. 23. 37-38, 43. 57, Harpokration ἐφέται, Polydeukes 8. 125)—at least until the time of Perikles, though it has been argued (on the basis of Isok. 18. 52-54, D. 59. 9-10) that at some date before the end of the fifth century the kinds of case previously tried by the ephetai were transferred to ordinary heliastic juries. See especially Gertrude Smith *Dicasts in the Ephetic Courts*, in *Classical Philology* xix (1924) 353-8. However, my view (which I shall defend at length in my forthcoming book *Athenian Homicide Law*) is that the fifty-one ephetai probably continued to function as a jury in the late fifth and in the fourth centuries.

ἐκ πρυτανείου: A homicide court sitting at the prytaneion (for which see note on 12 τοῖς πρυτάνεσι) heard cases in which the killer was unknown or in which a man's death was caused by an animal or an inanimate object; these cases were probably not heard by the ephetai (despite statements to that effect in Harpokration ἐφέται, Polydeukes 8. 125; see Hignett 306), but only by the basileus and the phylobasileis ('tribe-kings') (*Ath. Pol.* 57. 4). The persons condemned at the prytaneion, whom Patrokleides here excludes from the amnesty, were simply the unknown killers against whom the court had pronounced; this court never condemned any individual human being by name. The suggestion that the reference is not to the homicide court but to an otherwise unknown treason court at the prytaneion has been adequately refuted by Gertrude Smith *The Prytaneum in the Athenian Amnesty Law*, in *Classical Philology* xvi (1921) 345-53.

Δελφινίου: The Delphinion was a temple of the twin deities of Delphoi, Apollon Delphinios and Artemis Delphinia, situated in south-east Athens, near the Olympieion (Paus. 1. 19. 1; cf. Walther Judeich *Topographie von Athen*² 387). The ephetai sat in various places according to the nature of the homicide they were trying, and the Delphinion was the place for cases in which it was claimed that the homicide was lawful (*Ath. Pol.* 57. 3, D. 23. 74). It is not clear why Patrokleides mentions the Delphinion in addition to the ephetai and yet omits the other two homicide courts in which the ephetai sat (Palladion and Phreatto), and since Solon's law (Plu. *Sol.* 19. 4) omits the Delphinion some editors (Droysen, Lipsius) have excised ἡ Δελφινίου here.

δικασθεῖσιν: With the reading of the ms., ἐδικάσθη lacks a subject. G. Smith in *CP* xvi 346-8 wishes to understand ὅποσα as subject; but 'all the names that were judged' is hardly possible. Nor do I find convincing her interpretation of ἡ (before ἐπὶ φόνῳ) as 'that is to say, if'. Lipsius's conjecture seems to me the best suggestion yet made. Droysen proposed καταδικασθεῖσιν, following the law of Solon quoted by Plutarch; but Patrokleides and Plutarch are not both quoting that law word for word.

ὑπὸ τῶν βασιλέων: The basileus (see note on 77) presided at all homicide trials. The plural may mean either 'the basileis of various years' or 'the basileus and phylobasileis'.

τίς, if right, can only mean 'of some kind', implying that various conditions might be attached to exile. But this is a little odd; it is not clear what these conditions might be. Perhaps we should read *τινός*: 'for killing a person'.

σφαγεῦσιν: With *κατεγνώσθη* we might expect a genitive, but the dative is retained to agree with οἷς. The distinction between *φόνος* and *σφαγή* is not precise, but *σφαγή* seems to be the narrower term. *φόνος* is sometimes unintentional and so may be punished merely with exile, whereas *σφαγή* is always intentional and so is normally punished with death.

τυράννοις: *Ath. Pol.* 16. 10 quotes an old law inflicting ἀτιμία on those who aimed at tyranny (given in my note on 97). Possibly this law was still in force in 405, or possibly Patrokleides refers to persons condemned under the decree of Demophantos (96-98); or otherwise we must assume that he simply took over an obsolete reference to tyranny from Solon's law (Plu. *Sol.* 19. 4).

79. καὶ τὰ εἰρημένα . . . καὶ εἰ ἀντίγραφον . . . : 'The names mentioned' are distinguished from copies of them; cf. note on 76 ἐξαλείψαι. The second καί-phrase has its own verb παρέχειν, whereas the first

goes with the main verb ἐξαλειψαί; cf. 17 ἀπογράφει τοὺς τε ἄλλους, καὶ τὸν πατέρα ἔφη . . .

ἐν τῷ δημοσίῳ: The meaning 'in the state treasury' is impossible here: it would be incompatible with πανταχόθεν, ὅπου τι ἔστω, and the records of the treasurers of Athena and of the basileus were kept in their own treasuries, not in the state treasury. We have three alternatives:

1. Translate 'in public'. I can find no parallel for this sense.
2. Read ἐν τῷ δημοσίῳ, 'in any public building'. For this also exact parallels are lacking.
3. Delete the phrase. It may well be a gloss on τοὺς πράκτορας.

τὰς ἄλλας ἀρχάς: This abstract noun is often used for persons; cf. 83, 85, 86, and English 'authorities'. Here it means not just the nine archons but all relevant officials. (Ais. 3. 13 shows how widely the term may be extended.)

80. ἐπεὶ δ' αἱ σπονδαὶ . . . : And. sets out to summarize all the events that led from the decree of Patrokleides in 405 to the amnesty of 403. When beginning the sentence he perhaps vaguely intended that the main clause, forming the climax, should be ἔδοξε μὴ μνησκακεῖν (81). But by the time he reached the seizure of Phyle and Mounychia by Thrasyboulos and the democrats, he realized that he could not recount all the events of the civil war in 403 without becoming intolerably longwinded; he therefore breaks off the sentence by means of a rather feeble main clause, 'you had experiences which I need not recall, nor (need I) remind you of the misfortunes which occurred', and begins again with a new sentence at the end of the war (ἐπειδὴ δ' ἐπανήλθετε ἐκ Πειραιεύς . . .).

(This may, not must, have been his line of thought. Reiske's emendation ἐγένετό <θ'>, which enables καὶ τὰ τεύχη to be regarded as the start of the main clause, should not be accepted, because it cannot be proved that the main clause cannot begin at ἐγένετο. Dalmeyda objects that κακῶν is not a suitable description of the democrats' successes mentioned just before; but κακῶν refers not to the events And. has just mentioned but to those he is passing over without mention, i.e. the civil war which followed the democrats' seizure of Mounychia.)

81. ἐπανήλθετε: 'You' here means 'the democrats'; see note on 7 ἑάλωσαν παρ' ὑμῖν. Lys. 16. 6 and Isok. 18. 2 also use the 2nd person to refer to this event. According to *Ath. Pol.* 39, this amnesty was part of the peace treaty between democrats, oligarchs, and Spartans, and so was actually agreed on before, not after, the democrats entered Athens from Peiraieus. But the agreement reached by the leaders before the democrats entered Athens may well have been confirmed

by a general vote afterwards. The amnesty is discussed in detail by Alfred P. Dorjahn *Political Forgiveness in Old Athens: the Amnesty of 403 B.C.* (Northwestern University, Evanston, 1946).

Πειραιεύς: F. A. Wolf emended to Πειραιῶς; but the longer form was also used in Attic in the fourth century; cf. Meisterhans 142, especially note 1229.

γενόμενον ἐφ' ὑμῖν: 'when it came into your power'. Accusative absolute, because the participle is impersonal; cf. 116 οὐχ ὅσιον ὄν.

τὰς ἰδίας τιμωρίας is an object of ἐποιήσαθε, not of σφύζειν.

δόξαντα ὑμῖν ταῦτα: 'when you had made this decision'. The accusative absolute is mostly confined to verbs used impersonally. For the meaning 'resolved', ἔδοξε and δέδοκται are normally used with either an infinitive or a demonstrative pronoun such as ταῦτα. According to the definitions of grammarians the use of a demonstrative instead of an infinitive makes the verb personal, but when an absolute participle of ἔδοξε or δέδοκται is required Greek writers normally use the accusative, regardless of whether the participle is accompanied by an infinitive or a demonstrative. So And.'s phrase here is normal (cf. Pl. *Prt.* 314c, X. *Hel.* 3. 2. 19); X. *Hel.* 1. 1. 36 δόξαντος τούτου is exceptional. Cf. 92 τί αὐτοῖς ὑπάρχον.

τούτους ἐπιμελεῖσθαι: jussive accusative and infinitive. The chief task of this provisional government was doubtless to arrange for the appointment of a council, archons, and other officials for 403/2. Once these were appointed, it probably ceased to function, even though it may theoretically have remained in office.

ἄλλοι: Of the various emendations suggested, this (despite Hignett 302) is perhaps the least violent, since *AA* has only to lose a single stroke to become *N*. Weidner proposed αὐ οἱ, Richards δὴ οἱ. Dobree simply deleted ἄν.

τέως δέ . . . : 'until then, the laws of Solon and the ordinances of Drakon were to be used'. Solon's laws dated from the early sixth century (the traditional date is 594/3, though this has been challenged), and Drakon's from the seventh (allegedly 621/0). Solon is said (*Ath. Pol.* 7. 1, Plu. *Sol.* 17. 1) to have repealed all Drakon's laws except those on homicide. By And.'s time the Athenian homicide laws were called 'the ordinances of Drakon' and the rest of the Athenian code of laws 'the laws of Solon', but in fact they included many laws much more recent. For example, the law quoted in 96-98, which is shown by its preamble to have been proposed by Demophantos in 410, is introduced by And. as 'the law of Solon'.

The laws of Drakon are usually called *θεσμοί*, but sometimes they are called *νόμοι* (e.g. 82, D. 23. 51, *Ath. Pol.* 41. 2), and in this us

there seems to be no practical difference of meaning between the two terms. Cf. Jones 33-34.

This sentence seems to mean that at this stage the Athenians contemplated the introduction of a completely new set of laws, which, when it was ready, would supersede the laws of Solon and Drakon. But they soon realized that so drastic a step was impracticable and unnecessary; and, as And. goes on to say, when they discussed the matter on a later occasion, they decided on the more modest legal revision ordained in the decree of Teisamenos (83-84).

82. βουλὴν: the council for 403/2.

νομοθέτας: 'lawmakers'. Two groups of nomothetai are mentioned in the decree of Teisamenos which follows: one group appointed by the council (83), and 500 nomothetai appointed by the members of demes (84). And.'s vague expression here might refer to either group or both.

ἐκκλησίαν ποιήσαντες: The asyndeton is surprising, and some editors therefore remove the full-stop here and emend εὕρισκον to εὕρισκοντες (Reiske), εὕρισκόν τε (Luzac), or something similar.

δοκιμάσαντες: δοκιμασία is examination in advance, whereas εὕθυνα (see note on 73) is examination of what has already been done. The verb is used both for 'examine' (so here) and for 'approve' as a result of examination (so δοκιμασθῶσι at the end of the sentence). And. appears to mean that all the laws were to be examined to see which needed additions, and that those which needed additions were to be inscribed in the stoa in their new versions, after these additions had been approved. But the sentence, with the change in sense of δοκιμάζειν, is extremely clumsy, and the exact interpretation doubtful; see Appendix H.

ἐν τῇ στοᾷ: The βασιλειος στοά seems to have been the one in which new laws were published (*Ath. Pol.* 7. 1); LSJ are therefore wrong to refer this passage to the ποικίλη στοά. The basileios stoa was at the north-west of the agora, and is perhaps to be identified with the stoa of Zeus Eleutherios; see H. A. Thompson in *Hesperia* vi (1937) 64-76, 225-6, and, for a summary of more recent discussions of the problem, Eugene Vanderpool in *Hesperia* xxviii (1959) 289 note 1.

83-84. 'Resolution of the people, on the proposal of Teisamenos. The Athenians shall conduct their public affairs in the traditional manner, and they shall employ the laws of Solon and his weights and measures, and they shall employ also the ordinances of Drakon, which we employed in former time. Such additions as are needed shall be inscribed on boards by the(?) nomothetai, elected by the council, and shall be exhibited in front of the tribal heroes for all to see and

handed over to the magistrates during this month. The laws which are handed over shall be examined first by the council and the five-hundred nomothetai elected by the members of demes, after they have taken the oath. Also any individual who wishes shall be permitted to come before the council and make any good suggestion he can about the laws. After the laws are passed, the council of the Areopagos shall take care of the laws, that so the magistrates may employ the laws which are in force. Those of the laws which are ratified shall be inscribed on the wall, where they were inscribed previously, for all to see.'

On the purpose of this decree, see Appendix H.

83. Τεισαμενός was a ὑπογραμματεὺς ('assistant secretary'), one of those entrusted with the revision of the laws (Lys. 30. 28).

μέτροις καὶ σταθμοῖς: The weights and measures introduced by Solon were larger than the Pheidonian weights and measures used in most parts of Greece (*Ath. Pol.* 10. 2).

οἷσπερ ἐχρώμεθα ἐν τῷ πρόσθεν χρόνῳ: i.e. those ordinances of Drakon which had not been superseded by Solon's laws but remained in use until 404.

οἷδε has been thought to mean that a list of the names of these nomothetai was appended to the decree; but this is surely impossible. The meaning 'such and such persons', suggested by P. Von der Mühl in *Hermes* lxxviii (1933) 116-18, is equally impossible, because this Aristotelean usage is appropriate only in imaginary examples (e.g. Arist. *EN* 1151^a35 εἰ γάρ τις τοδὶ διὰ τοδὶ αἰρεῖται . . .), whereas the nomothetai must have been a known and definite body. Emendations suggested are:

1. οἱ (Reiske).
2. οἱ δέ, preceded by a lacuna (Blass).
3. οἱ ἥδη (Dobree).
4. οἱ δέκα (Sluiter).
5. οἱ Ν(= πενήκοντα) (Sluiter).
6. οἱ ΔΕ (= δεκάκισ πέντε) (Reiske).

ἡρμημένοι νομοθέται ὑπὸ τῆς βουλῆς: This was evidently a commission for drafting proposals, 'performing the sort of function which had in the recent past been given to *syngrapheis*; possibly the action of the *syngrapheis* in 411 had given that title a bad odour' (A. R. W. Harrison in *JHS* lxxv (1955) 33).

ἀναγραφέντας: not ἀναγράφοντες (Bekker), since a past participle is clearly required.

ἐν σανίσιν: Temporary documents intended for public exhibition were inscribed on wood, permanent ones on stone (84 εἰς τὸν τοῖχον).

πρὸς τοὺς ἑπωνύμους: The statues of the heroes after whom the ten Athenian tribes were named stood in the agora near the tholos (Paus. 1. 5. 1). For the placing of proposed laws here, cf. D. 20. 94, 24. 18, Ais. 3. 39.

If this reading is correct, the accusative implies motion: 'take them to the statues and exhibit them there'. However, Reiske proposed to emend to *πρὸ τῶν ἑπωνύμων* (cf. D. 21. 103) or *πρὸς τοῖς ἑπωνύμοις*, Lipsius to *πρόσθε τῶν ἑπωνύμων* (cf. D. 20. 94, 24. 18, 24. 23, Ais. 3. 39), Fuhr to *παρὰ τοὺς ἑπωνύμους* (cf. *Ath. Pol.* 53. 4).

σκοπεῖν: infinitive of purpose.

ταῖς ἀρχαῖς: see note on 79. Here perhaps only the nine archons are meant.

84. πρότερον 'presumably means that the scrutiny is to take place before the laws are handed over; a careless piece of drafting, but not unparalleled' (A. R. W. Harrison in *JHS* lxxv (1955) 32 note 49).

οἱ νομοθέται οἱ πεντακόσιοι: This group of nomothetai is distinguished from that mentioned in 83 not only by the method of its appointment but also by its function; it did not draft proposals but merely considered proposals brought before it.

D. 24. 20-23 quotes a law laying down a procedure by which nomothetai were, if necessary, appointed in the first prytany of each year out of those who had sworn the heliastic oath (i.e. the 6,000 jurymen for the year). Some (e.g. Hignett 300) have thought that our passage provides an instance of the use of this procedure. This may be right, but it is open to doubt on the following grounds:

1. There is no other known instance of the use of the fourth-century procedure as early as 403.

2. D. 24. 21 specifies the appointment of persons who have already taken the heliastic oath. In 84 the nomothetai have already been appointed but have not yet taken the oath.

3. In 84 the nomothetai have been elected by the *δημόται*. In D. 24 the *δημόται* are not mentioned; the verb used is not *αἰρεῖσθαι* but *καθίξεσθαι*; the presidents seem to arrange the appointment (D. 24. 27 *τοὺς πρυτάνεις τοὺς τῆς Πανδιονίδος καθίσαι νομοθέτας αὐρίον*); and it thus seems possible that these nomothetai were chosen from the 6,000 heliasts not by election but by lot or some other method.

οἱ δημόται: 'The members of the demes' were of course all the citizens of Athens. The use of the term *οἱ δημόται* instead of *ὁ δῆμος* means that on this occasion they voted by demes instead of all together as an assembly; it may imply also that the 500 nomothetai (like the 500 members of the council) were chosen from the members of the demes in proportion to the population of the demes.

ἐπιμελείσθω . . . : 'Guardianship of the constitution' was a function (for a likely account of its nature, see Hignett 208-9) which the Areopagos had had from very early times (*Ath. Pol.* 3. 6, 4. 4, 8. 4, *Plu. Sol.* 19. 2) but lost by the reform of Ephialtes in 462/1 (*Ath. Pol.* 25. 2, 26. 1). It is therefore a surprise to find it in the decree of Teisamenos. How did the Areopagos come to have this power in 403? Several alternative solutions are possible.

1. Hignett 200 says of this sentence: 'This, however, was a clause in a provisional constitution and was probably abrogated when normal conditions were restored.' But it is a mistake to regard the decree of Teisamenos as a provisional constitution. Hignett has perhaps confused the decree with the establishment of a temporary government recorded in the last sentence of 81; but And.'s account in 82 makes it clear that the decree was a later and quite separate measure. There is no evidence that the decree was abrogated as soon as 'normal conditions were restored'. On the contrary, the words ἐπειδὴν τεθῶσιν οἱ νόμοι are virtually an explicit statement that the guardianship of the laws by the Areopagos was to be part of the permanent constitution.

2. Is the function assigned to the Areopagos by Teisamenos something different from the guardianship which it lost in 462/1? Mr. A. R. W. Harrison has suggested to me (and cf. *JHS* lxxv (1955) 33 note 52 a) that the sentence means simply that the Areopagos was to be the custodian of the new 'statute book', and to vouch for what were and what were not κείμενοι νόμοι. But this view is open to several, though inconclusive, objections:

(a) It is not clear what the 'statute book' was. It may have been simply the wall of the basileios stoa. Whatever it was, it may well have needed one or more 'keepers' to protect it from defacement and alteration, but one would expect this comparatively menial task to be given to officials appointed for the purpose rather than to a dignified body of elders.

(b) A mere custodian of the 'statute book' would not be able to ensure that the magistrates employed the laws. So, with this interpretation of ἐπιμελείσθω, the clause ὅπως ἂν . . . has to be given the weaker sense 'to make it possible for the magistrates to know what the laws are which they are to employ'.

(c) In *Ath. Pol.* 4. 4 the guardianship which the Areopagos had before 462/1 is described in these words: ἡ δὲ βουλή ἡ ἐξ Ἀρείου πάγου φύλαξ ἦν τῶν νόμων καὶ διετήρει τὰς ἀρχὰς ὅπως κατὰ τοὺς νόμους ἀρχῶσιν. This is very like the wording used by Teisamenos; it is hard to believe that the two refer to quite different functions.

3. It would be possible to emend the text. If the words ἡ ἐξ Ἀρείου

πάγου were removed, this clause of the decree would then be consistent with *Ath. Pol.* 45. 2. where the writer states that the council tried magistrates who were accused of *μὴ χρῆσθαι τοῖς νόμοις*. But it is wrong in principle to emend a text solely because it says something unexpected.

4. We might accept this clause as evidence that one of the functions taken from the Areopagos in 462/1 (presumably that of trying magistrates accused of acting illegally) was restored to it in 403. Perhaps it was thought that the existing constitutional safeguards were not enough to ensure that there would be no fresh revolution like those of 411 and 404. In this case we cannot tell how long the Areopagos retained this function; but it is not mentioned in the *Ath. Pol.* as part of the constitution in the writer's own time, and so had presumably disappeared by then.

All these alternatives are unattractive, but the last seems to me the least objectionable.

τὸν τοῦτον: of the basileios stoa, for which see note on 82.

85. Ἀγράφῃ δέ: The connective particle shows that this is one of a series of laws. The series is continued in 87.

It is necessary to distinguish three kinds of ἀγραφοὶ νόμοι, of which only the third is concerned here:

1. Divine law; e.g. *S. Ant.* 450-7, *X. Apom.* 4. 4. 19, *Pl. Laws* 792c-793d. Into this category fall the unwritten laws καθ' οὓς Εὐμολπίδαι ἐξηγοῦνται (*Ag. And.* 10); for the Eumolpidae (in theory, at least) did not themselves make laws but expounded laws ordained by the gods, of which inspiration or tradition had given them a special understanding. (I would therefore not follow Gomme *Commentary on Thucydides* ii 113, who calls the laws expounded by the Eumolpidae 'something quite different'. That the Eumolpidae were concerned only with rituals is not an important difference; the divine law concerned in *S. Ant.* 450-7, for example, is similarly a law ordaining a ritual (the ritual of formal burial); the performance of rituals was a major part of Greek religion.)

2. Social customs which are so firmly established that anyone who breaks them incurs odium, but which have no religious association; e.g. *Th.* 2. 37. 3 ὅσοι ἀγραφοὶ ὄντες αἰσχύνῃν ὁμολογουμένην φέρουσιν. This is like the English 'There is an unwritten law against shooting foxes.' This type is sometimes not very clearly distinguished in Greek from type 1.

3. Laws of the state which were not officially inscribed in the basileios stoa (or elsewhere, such as those mentioned in 95 and 116). These are the ones which the law quoted by *And.* declared to be

invalid. This category doubtless includes not only laws which had never been inscribed, but also those which had been inscribed formerly but had since been rescinded (or not reaffirmed in the revision of the laws which began in 410), so that the inscriptions of them had now been obliterated.

Cf. also Jones 62-64.

τὰς ἀρχάς: see note on 79.

86. οὕτως: i.e. 'the laws being as I have stated'. My emendation involves a less violent alteration to the text than Dobree's *ἔστιν ἐνταυθι*, and there is no reason to suppose that And. used the same words here as in 89. Dalmeida suggests *κατὰ τοῦτο*, but does not explain to what neuter singular antecedent he thinks *τοῦτο* refers.

περιλείπεται: *περι-* here, as in *περίειμι* and *περιγίγνομαι*, implies survival after the destruction of others. 'Is there anything which was left over?'

οἷόν τε . . . : 'it is possible either that a magistrate should bring a case before a court or for any of you to take action'. *εἰσάγειν* is commonly used as a legal term, and so the vague word *πρᾶξαι* probably also refers to legal action. With an infinitive after *οἷόν τε* either the accusative or the dative is possible, but the sudden change of case *ἀρχὴν . . . τινι* is surprising; Dobree therefore wrote *ἀρχῇ*, Sluiter *τινα*.

δῆ: *ᾶν* makes no sense here. Most editors simply delete it; but its intrusion is more easily explained if we assume that And. wrote *δῆ*, since *ᾶν* is a common corruption of *δῆ* in uncial mss. (e.g. Lys. 20. 31, Pl. *Grg.* 452c). The appearance of *ᾶν* later in the sentence may result from a subsequent misguided attempt to restore the word to a part of the sentence in which it was thought to make sense.

ἢ που . . . γε: 'then *a fortiori*'. Cf. 24, 90.

παντάπασιν οὐ δεῖ γε: 'it is certainly not right at all'.

συμφοραί, 'misfortunes', is commonly used as a euphemism for faults of character (e.g. Th. 1. 122. 4), crimes (e.g. Hdt. 3. 50. 1, Pl. *Laws* 934b), or punishments (especially banishment, e.g. Isok. 5. 58). Here it evidently refers to crimes (LSJ *συμφορά* II 2 needs correction); And. means that many had committed deeds which according to the old laws were crimes (so that they were liable to prosecution if the old laws remained valid), not that many had already suffered punishments according to the old laws. The present trial is an example (*αὐτῶν ἔνεκα τῶν νυνὶ ποιουμένων*) of what the new laws were intended to prevent: And. is being prosecuted because of an offence committed before 403. (It is perhaps because his own offence is one of those concerned that And. uses the euphemism *συμφοραί*; he will not admit that he has committed a crime.)

τὰ πρότερον γενόμενα qualifies νόμους as well as ψηφίσματα. Naber cut out τὰ, but unnecessarily; cf. 83 νόμοις τοῖς Σόλωνος.

συκοφαντεῖν: And. accuses Kephisios and Epichares specifically of being συκοφάνται in 93 and 99. There is no satisfactory English translation of this term of abuse. The English 'sycophant' has the completely different meaning 'flatterer' or 'toady'. 'Informer' is inadequate, since the chief activity of συκοφάνται was prosecution, not just giving information. 'False accuser' will not do, because their accusations were not necessarily false; nor will 'professional accuser', because it does not convey the derogatory implication. The object of a συκοφάντης was usually to make money, by obtaining the reward given to a successful prosecutor in some kinds of case (especially φάσις; see note on 88), or by blackmail, if the victim was willing to pay to avoid prosecution (Kriton, in X. *Apom.* 2. 9, is an instructive example); or sometimes the object was to make a political reputation. As long as he thought that he had a good chance of attaining this object, the συκοφάντης did not care whether the charges he brought were true or false. The introduction of penalties for some unsuccessful prosecutors (see note on 7 ὑμᾶς πολὺν ἂν ἥδιον δίκην λαβεῖν) and of the γραφή συκοφαντίας does not seem to have been very effective in checking the practice. The whole subject is discussed by Bonner and Smith ii 39-74.

87. ψήφισμα δέ . . . : This law is also quoted in D. 23. 87 and referred to in D. 24. 30. In broad terms, the distinction between a law and a decree is that a law is a general rule, intended to be permanent and therefore inscribed on stone, whereas a decree is a temporary measure applying to a particular situation, and therefore not necessarily inscribed in a permanent form. Cf. Arist. *Pol.* 1292^a32-7; however in the fifth century the distinction was less clear-cut than Aristotle makes it.

ἐπ' ἀνδρὶ: 'with reference to an individual'. This law is quoted three times in Demosthenes, on each occasion with some differences in the wording: 23. 86 μηδὲ νόμον ἐπ' ἀνδρὶ ἐξεῖναι θεῖναι, ἐὰν μὴ τὸν αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις: 24. 59 μηδὲ νόμον ἐξεῖναι ἐπ' ἀνδρὶ θεῖναι, ἐὰν μὴ τὸν αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις [τιθῇ], <ἐὰν μὴ> ψηφισαμένων μὴ ἐλαττον ἑξακισχιλίων οἷς ἂν δόξῃ κρύβδην ψηφίζομένων: 46. 12 μηδὲ νόμον ἐξεῖναι ἐπ' ἀνδρὶ (v.l. ἐπ' ἀνδρὶ ἐξεῖναι) θεῖναι, ἂν μὴ τὸν αὐτὸν ἐφ' ᾧ πᾶσιν Ἀθηναίοις. Since there was presumably only one official text of the law, this variation is surprising, and it may be that of the four passages three ought to be emended to conform with the fourth.

ἑξακισχιλίους: A vote of 6,000 was regarded as virtually equivalent

to a vote of the whole Athenian people, presumably because more than this number could not be expected to attend a meeting of the assembly. See Bonner and Smith i 211 ff.

Τὰς δὲ δίκας . . . : 'All judgments and arbitrations shall be valid which . . .'. The public arbitrators did not exist before 403, and διαίτας therefore refers probably to private arbitrations, or possibly to arbitrations by the thirty deme-judges; see Bonner and Smith i 348-53, H. C. Harrell *Public Arbitration in Athenian Law* (University of Missouri, 1936) 5-8, Louis Gernet *Droit et société dans la Grèce ancienne* (Paris, 1955) 103. D. 24. 56 quotes this law in a slightly different form: τὰς δίκας καὶ τὰς διαίτας, ὅσαι ἐγένοντο ἐπὶ τοῖς νόμοις ἐν δημοκρατουμένῃ τῇ πόλει, κυρίας εἶναι: it is possible that And.'s text should be thus emended. Demosthenes also adds another law, obviously passed at the same time: ὅποσα δ' ἐπὶ τῶν τριάκοντα ἐπράχθη ἢ δίκη ἐδικάσθη, ἢ ἰδίᾳ ἢ δημοσίᾳ, ἄκυρα εἶναι. And.'s reason for omitting this one is presumably that he thinks it irrelevant to his own case.

τοῖς δὲ νόμοις χρῆσθαι ἀπ' Εὐκλείδου ἄρχοντος: 'but the laws are to be enforced from the archonship of Eukleides'. ἀπό means 'from and including' (cf. Sterling Dow in *Historia* ix (1960) 285), and the law means that no one is to be prosecuted for an offence against the laws which was committed before 403/2. This is the law carrying out the decision in 81, μὴ μνησικακεῖν ἀλλήλοις τῶν γεγενημένων. Cf. also the oaths in 90-91.

(Many have taken it as 'the laws passed in or after the archonship of Eukleides are to be enforced'; that is, no law passed before 403/2 is valid. But this is wrong, because for this we should have τοῖς ἀπ' Εὐκλείδου ἄρχοντος; and because this interpretation will not fit 94, where the law in question is one still valid in 400. Those who make this mistake may have been misled by 89, where And. refers to this law and immediately afterwards draws the conclusion 'No decree passed before 403/2 is valid.' But this does not prove that the law means 'No law passed before 403/2 is valid.' And.'s conclusion in 89 is drawn not from this law alone but from all the laws referred to in that sentence. The laws referred to in the earlier part of the sentence are enough to prove 'No uninscribed law is valid'; this final law proves 'No one may be prosecuted for an offence committed before 403/2'; these two premisses together justify the conclusion 'No one may be prosecuted now for an offence committed before 403/2, even if the offence contravened a law which was inscribed and so valid at the time of the offence.' This conclusion is not justified by the first premiss (i.e. the laws at the beginning of the sentence) alone; that is why the second premiss ('The laws are to be enforced from the archonship of Eukleides') has to be added to justify the final conclusion 'No

prosecution may now take place for an offence committed before 403/2.³)

The two parts of this law are complementary. Together they state the legal position with regard to any offence against the laws which was committed before 403/2. If a trial has already been held (under the democracy), the judgment given at that trial remains valid; if a trial has not been held (under the democracy), no legal action may now be taken.

88. *δίκας*: Wolf 172 points out that And. uses *δίκη* to mean 'judgment' only here, where he is quoting the wording of a law. Elsewhere he uses it only for 'atonement' or 'punishment'.

τῶν ἰδίων συμβολαίων αἱ πράξεις εἶεν: 'agreements between individuals might be carried out'.

τῶν δὲ δημοσίων . . . : 'but for all public offences, which are dealt with by public prosecutions . . .'. And. appears to be distinguishing offences and disputes dealt with by *δίκαι ἴδιαι* (and *δαίται*) from those dealt with by *δίκαι δημοσίου*, and to be saying that the first half of the law (*τὰς δὲ δίκας καὶ διαίτας κυρίας εἶναι* . . .) applies to the first kind, while the second half (*τοῖς δὲ νόμοις χρῆσθαι ἀπ' Εὐκλείδου ἄρχοντος*) applies to the second kind. This distinction does not seem to be justified by the wording of the law, where *τὰς δίκας* and *τοῖς νόμοις* are quite general terms; neither half contains any word to limit its application either to *δίκαι ἴδιαι* or to *δίκαι δημοσίου*. So perhaps And. means not that the application of the law is explicitly limited in this way, but only that in practice most of the cases likely to be disputed to which the first half applied were *δίκαι ἴδιαι*, and most of those to which the second half applied were *δίκαι δημοσίου*. Whether this was actually true, I do not know. But I am sure that we ought to treat And.'s evidence with great caution; for his own case was a *δίκη δημοσία*, and it was in his interest to maintain that laws and judgments dating from before 403 were not valid in his own case.

φάσεις: The procedure called *φάσις* was used against men who broke the regulations concerning trade, customs-duties, and mines, guardians who mismanaged their wards' property, and some others. Its most important feature was that the prosecutor, if he won his case, was rewarded with half of the fine exacted or property confiscated from the defendant; it was therefore very popular with *συκοφάνται*. Cf. Lipsius 309-16, Paoli 239, Bonner and Smith ii 41.

ἐνδείξεις ἢ ἀπαγωγαί: The distinctive feature common to both these procedures was that they involved the arrest of the accused (though he might be released if he provided sureties to guarantee his appearance at his trial; and an outstanding exception to this rule was

the case of And. himself; see note on 2). ἀπαγωγή could be used against a criminal caught red-handed (e.g. a thief, or a man found exercising the rights of a citizen when not entitled to them); the prosecutor summarily arrested the offender and took him before a magistrate. In ἐνδειξις the prosecutor merely reported the offence to a magistrate, and it was left to the magistrate to make the arrest. See Lipsius 317–38, Paoli 238.

89. ὅπότε . . . ἐνταυθοῖ: And. inadvertently switches from a time expression to a place expression. Cf. 2. 11 οὐ πώποτε . . . ἐφεισάμην, ὅπου ἔδει παρακινδυνεύειν.

δοκιμάσαντας δέ: Other passages in which a δέ-clause begins by picking up with a participle the main verb of the μέν-clause are quoted by Denniston *Greek Prose Style* 96.

τιθέναι: The tense shows that And. is not quoting *verbatim* the text given in 87, so that Sauppe's insertion ἐξεῖναι is unnecessary.

ὑπολείπεται: cf. 86 περιελείπετο. This is a clear case of And.'s habit of using different words without intending any distinction of meaning, and proves that it is wrong in principle to impose consistency on him by emendation.

ὅπως with a future indicative commonly follows a verb of precaution, expressed or understood (cf. note on 43 ὅπως μὴ), and is sometimes practically equivalent to a final clause. But here there is no idea of precaution, and the clause is equivalent to a consecutive clause, much like 129 ὅστις ἐξευρήσει.

ἄνδρες: This vocative without either ὦ or an accompanying adjective or noun (e.g. And. 2. 14 ἄνδρες βουλευταί) is unusual. But a parallel instance seems to occur in Lys. 1. 32, so that Blass's insertion of ὦ may be unnecessary.

90. οἱ ὅρκοι ὑμῖν πῶς ἔχουσιν;: 'how do your oaths go?', i.e. what is their wording?

ὁ μὲν κοινὸς . . . : sc. ἔχει οὕτως.

διαλλαγάς: 'reconciliations' between oligarchs and democrats in 403.

Καὶ οὐ μνησικακήσω: Καὶ shows that this oath was not sworn alone but was added to others.

τῶν ἑνδεκα: 'The Eleven' were the officials in charge of the police at Athens. This was an annual office. In 404/3 they were headed by Satyros and assisted by 300 scourge-bearers, and they carried out the brutal decisions of the Thirty (*Ath. Pol.* 35. 1, *X. Hel.* 2. 3. 54). With this oath compare *Ath. Pol.* 39. 6: τῶν δὲ παρεληλυθότων μηδενὶ πρὸς μηδένα μνησικακεῖν ἐξεῖναι πλὴν πρὸς τοὺς τριάκοντα καὶ τοὺς δέκα καὶ τοὺς ἑνδεκα καὶ τοὺς τοῦ Πειραιέως ἄρξαντας, μηδὲ πρὸς τούτους, ἐὰν διδῶσι

εὐθύνας. Aristotle's list includes 'the Ten' (the oligarchic group who succeeded the Thirty in 403) and 'the officials in charge of Peiraieus' (a group of ten appointed by the Thirty in 404; they included Charmides son of Glaukon), whom And. omits. Perhaps the easiest explanation of the discrepancy is that And., although he appears to be quoting the exact words of the oath, is quoting from memory an oath sworn several years previously, before his own return to Athens, and so his quotation is inaccurate.

But it is also possible that the text either of And. or of the *Ath. Pol.* requires emendation. If so, I should prefer (with de Valois) to insert *καὶ τῶν δέκα* after *τριάκοντα* in And.'s text, and to delete *καὶ τοὺς τοῦ Πειραιέως ἄρξαντας* in the *Ath. Pol.* (since this could not have fallen out of And.'s text by haplography, but might well have been inserted in the *Ath. Pol.* as a gloss on *τοὺς δέκα*). 'The Ten' might then refer to the Peiraieus officials, rather than to the Thirty's successors, who had probably committed no crime serious enough to justify their exclusion from the amnesty.

91. ἡ αἰὶ βουλευούσα: 'which holds office at the time'. For *αἰ* with the meaning 'at any particular time', cf. D. 21. 223 *οἱ αἰὶ δικάζοντες*, Hdt. 2. 98. 1, Pl. *Ap.* 25c, *Grg.* 493c. On the council's oath, see Bonner and Smith ii 151-2.

ἀπαγωγὴν: The use of *ἀπαγωγή* was not confined to the arrest of criminals at the time of the crime; arrests could, at least in some circumstances, be made long afterwards. This is implied by our passage and confirmed by, for example, D. 54. 1; cf. Lipsius 320-1.

πλὴν τῶν φυγόντων: 'except of those who fled'. The oligarchs who took refuge at Eleusis when the democrats regained control of Athens in 403 were included in the agreements of that year (*Ath. Pol.* 39). So either these words refer to those of them who went into exile in 401/0 when Eleusis was reunited with Athens, and were not included in the oath until that year, or else they refer only to the same persons as 78 *τῶν μὴ ἐνθάδε μενόντων*.

τί ὁμόσαντες δικάζετε;: For the heliastic oath, see D. 24. 149-51 and Bonner and Smith ii 152 ff.

οὐδὲ ἄλλῳ πείσομαι: 'nor will I do so at anyone else's bidding'.

ἂ χρὴ . . . : 'You must consider these facts, to see whether you think I am right when I say to you that . . .'. *σκοπεῖν* has in effect two objects, the accusative *ἂ* and the indirect question *εἰ δοκῶ* . . . ; the same thing happens with *σκεψασθε* in the next sentence.

92-100. Attack on Kephisios, Meletos, and Epichares, showing that it is only the amnesty which protects them from being prosecuted themselves.

92. καὶ τοὺς νόμους καὶ τοὺς κατηγοροὺς: 'the laws and my accusers simultaneously', i.e. 'my accusers in relation to the laws'.

τί αὐτοῖς ὑπάρχον ἐτέρων κατηγοροῦσι: 'what is their own position when they accuse others'. The expression ὑπάρχει μοι εἶναι means 'my position is that I am . . .'. (For this sense cf. Ant. 6. 2, Pl. *Prt.* 345a.) In this use ὑπάρχει is impersonal, and so if an absolute participle is required an accusative is naturally used (e.g. Pl. *Smp.* 217a). In turning the phrase into a question And. has substituted τί for an infinitive, but he still regards the verb as impersonal, and so uses an accusative absolute, not a genitive. Cf. 81 δόξαντα ὑμῖν ταῦτα.

Κηφίσιος μὲν: The speaker of *Ag. And.* 42 foresees that And. will make this accusation against Kephisios, and virtually admits that Kephisios is guilty, but claims (rightly) that that is not relevant to And.'s case. ὦνῃν: see note on 73.

τάς ἐκ ταύτης . . . : 'after collecting from the farmers of the land concerned the revenues from this (tax-collecting privilege), which amounted to ninety minas'. For τῇ γῇ Wilamowitz, in *Hermes* xlv (1909) 458-9, conjectured *Αἰγίνῃ*.

ἦλθεν: to Athens.

93. ὁ γὰρ νόμος οὕτως εἶχε: The tense implies that the law was no longer in force when And. was speaking (see note on 20 εἶχεν). A less stringent law, permitting the offender to avoid imprisonment if he paid twice the amount which he ought to have paid in the first place, is given in *Ath. Pol.* 48. 1: *κάν τις ἑλλίπη καταβολήν, . . . διπλάσιον ἀνάγκη τὸ ἐλλειφθὲν καταβάλλειν ἢ δεδέσθαι, καὶ ταῦτα εἰσπράττειν ἢ βουλὴ καὶ δῆσαι κυρία κατὰ τοὺς νόμους ἐστίν*. We may conclude that it was at some time during the years 403-0 that the later law replaced the earlier.

These laws were exceptions to the rule that an accused man could avoid imprisonment by providing sureties (D. 24. 144, quoted in note on 2 ἐγγυητὰς καταστήσας). They were presumably exceptions also to the rule that the council might not imprison (*Ath. Pol.* 45. 1).

ὑμῶν: probably 'from you', taken with ἐκλέξας; both the farmers and the jurors are members of the Athenian public, and so are spoken of as though they were identical (cf. note on 7 ἐάλωσαν παρ' ὑμῖν). Or possibly ὑμῶν might be taken with ἔχει: 'the money of yours which he has'.

συκοφάντης: a surprise, instead of ἐπίτιμος. Kephisios has not merely regained his citizenship, but uses it in the worst possible way.

ὅτι τοῖς νόμοις τοῖς νῦν κειμένοις χρῆσθε: This clause does not merely repeat ὅτι τοῖς νόμοις ἐψηφίσασθε ἀπ' Εὐκλείδου ἀρχοντος χρῆσθαι (and so does not invalidate the interpretation of that law given in my note on 87). Kephisios escaped prosecution in two distinct ways: his offence

was committed before 403/2, and the law which he broke had by now ceased to be valid.

94. Μέλητος: see Appendix M.

Λέοντα: The Thirty ordered five men to arrest Leon of Salamis and bring him for execution, either because he opposed their régime or perhaps just because they coveted his money. Sokrates, as well as Meletos, was among the five, but he refused to carry out the order (Pl. *Ap.* 32c-d, *Ep.* 7. 324e-325a). This Leon has been identified, perhaps rightly, with the Leon who was a general in 412/1 (Th. 8. 23-24, 54-55, 73) and was 'honoured by the people' (Th. 8. 73. 4), with the Leon who was elected general after the battle of Notion (X. *Hel.* 1. 5. 16, 1. 6. 16), and with a man, father of Pantaleon and of the speaker of Lys. 10, who was general many times and was executed by the Thirty at the age of 67 (Lys. 10. 4-5, 27); cf. A. Andrewes and D. M. Lewis in *JHS* lxxvii (1957) 179 note 10 (but the suggestion that Leon was captured by the Spartans in 406 is not compatible with the statement of Lys. 10. 27 that the speaker's father had never been in the hands of the enemy).

καὶ οὗτος . . . : 'and the following law not only existed in the past but also exists and is in use even now, because it is a good one'.

ἐν τῷ αὐτῷ ἐνέχεσθαι καὶ: 'is to be liable to the same punishment as'.

Μέλητον τοίνυν . . . : 'So the reason why Leon's sons are not permitted to prosecute Meletos for murder is (not that he is not guilty, but) that . . .'. Those who had committed murder with their own hands (*αὐτοχειρία*) were specifically excepted from the amnesty (*Ath. Pol.* 39. 5). But since Meletos had not murdered Leon with his own hands, he was immune from prosecution for this crime committed before the archonship of Eukleides. (And. clearly cannot mean that the action of Meletos, under the revised laws used from 403/2 onwards, was no longer an offence; for that would contradict his previous statement οὗτος ὁ νόμος . . . καὶ νῦν ἔστι. Meletos's action was still an offence, but because it was committed before 403/2 he was not liable to prosecution for it. Bonner and Smith ii 82 say that And. 'is manifestly wrong'. It is rather their interpretation of And. that is wrong.)

ὥς γε . . . : 'not even the man himself (Meletos) denies that he made the arrest'. γε stresses ὥς οὐκ ἀπήγαγεν: 'Meletos is protected by the law; about the facts there is no dispute'.

95. Ἐπιχάρης: This can hardly be the Epichares who was a member of the Ten who succeeded the Thirty as oligarchic rulers of Athens in 403 (Lys. 12. 55). For if And.'s accuser had held this high office, And. would certainly have mentioned it in preference to the comparatively insignificant office of membership of the council.

ὁ πάντων . . . : 'an utter blackguard, and proud of it, a man who does his best not to let his own bygones be bygones' (Maidment). In what way did Epichares recall his own past misdeeds? There are two possible answers to this question.

1. By boasting about his exploits under the Thirty. Yet And.'s next words (which, as γάρ shows, are intended as an illustration of the way in which Epichares *μνησικακεῖ αὐτὸς αὐτῷ*) do not refer to any *talk* of Epichares, but only to his illegal *action* under the Thirty. If he had really been in the habit of boasting, we should expect And. to quote examples of the boasts.

2. By challenging in And.'s case the validity of the amnesty on which his own safety depended, so that he seems voluntarily to open up the way for others to prosecute himself. Yet And. has just been claiming that Kephisios and Meletos also committed crimes for which they would be liable to prosecution, but for the amnesty; how then is the expression *μνησικακῶν αὐτὸς αὐτῷ* more applicable to Epichares than to them? Presumably because it was Epichares, and not Kephisios or Meletos, who in his prosecuting speech claimed that the amnesty was not valid in And.'s case.

The chain of argument is tenuous, and the conclusion not certain; but I think it is at least a reasonable guess that of And.'s accusers it was Epichares who concentrated on the question of the validity of laws and decrees passed before 403 (that is, of the decree of Isotimides).

οὗτος γάρ . . . : And. breaks off from his main sentence in order to explain *μνησικακῶν αὐτὸς αὐτῷ*, and the explanation is so long that the main clause is never resumed, and the nominative *Ἐπιχάρης* is left without a finite verb.

νηποινεῖ τεθνάναι: 'shall die with impunity'; that is, the killer will not be considered guilty of murder or liable to punishment.

ὅσιον: 'free from guilt'.

ἄλλο τι ἢ: a formula for introducing a question expecting the answer 'yes'; cf. 114. 'Isn't it the case that . . . ?'

τὰς χεῖρας: limiting accusative: 'will have untainted hands'.

γε: 'at least', if the amnesty is ignored.

Σόλωνος: The law which follows is not really a law of Solon; see note on 81 *τέως δὲ* . . .

96-98. 'Resolution of the council and the people. The Aiantis tribe were presidents, Kleigenes was secretary, Boethos was chairman. Demophantos drew up the following proposal. This decree dates from the council of five-hundred appointed by lot, for whom Kleigenes was the first secretary.

'If anyone overthrows the democracy at Athens, or holds any office

when the democracy has been overthrown, he shall be an enemy of the Athenians and shall be killed with impunity, and his property shall be confiscated and a tenth part of it devoted to the Goddess; and he who kills or helps to plan the killing of such a man shall be pure and free from guilt. All Athenians shall swear over unblemished sacrifices by tribes and by demes to kill such a man. The oath shall be as follows: "I shall kill, by word and deed, by vote and by my own hand, if I can, anyone who overthrows the democracy at Athens, and anyone who, when the democracy has been overthrown, holds any office thereafter, and anyone who sets himself up to be tyrant or helps to set up the tyrant. And if anyone else kills him, I shall consider that man to be pure in the sight of both gods and spirits, because he has killed an enemy of the Athenians, and I will sell all the property of the dead man and give half to the killer and not keep any back. And if anyone dies while killing or attempting to kill any such man, I shall care both for himself and for his children, just as for Harmodios and Aristogeiton and their descendants. And all oaths that have been sworn against the people of Athens, at Athens or on campaigns or anywhere else, I declare null and void." All Athenians shall swear this oath over unblemished sacrifices, in the customary manner, before the Dionysia, and they shall pray that he who keeps his oath may have many blessings, but that for him who breaks it destruction may befall himself and his family.'

This decree is dated by its prescript, since *IG* i² 304 (= Tod 83) shows that Kleigenes (not Kleogenes) was secretary in 410/09 and that the Aiantis tribe held the first prytany in that year. It was thus passed soon after the restoration of the democracy in 410, and was intended to ensure that the democracy was not overthrown again. Its relationship to earlier and later laws on the same subject is discussed by Martin Ostwald *The Athenian Legislation against Tyranny and Subversion*, in *Transactions of the American Philological Association* lxxxvi (1955) 103-28; he gives references to earlier discussions of the problem. He takes the view that the decree was essentially a modernized version of the old law quoted in *Ath. Pol.* 16. 10, which he attributes to Drakon, and that it was in its turn superseded in or soon after 403 by the law quoted by Hyp. 4. 7-8. However, the account of it given in *Lyk.* 124-7 (cf. also *D.* 20. 159) indicates that it more probably remained unannulled in the fourth century.

96. Κλειγένης is perhaps the 'little bathman' of *Ar. Frogs* 709, who was evidently a supporter of Kleophon. Schwartz suggested, in *Rheinisches Museum* xliv (1889) 121 note 1, that in *Lys.* 25. 25 Δημοφάνην καὶ Κλεισθένην should be corrected to Δημοφάντων καὶ Κλειγένην. If

this is right, Demophantos and Kleigenes were very active in attacking, to their own profit, those who had taken part in the revolution of 411.

συνέγραψεν is used instead of εἶπε because Demophantos was a member of a legislative commission (συγγραφεῖς) which recommended it; cf. *IG* i² 76 (= Tod 74). 3-4, *Ath. Pol.* 30. 1.

χρόνος is predicative: 'The council . . . is the date which begins this decree'. Cf. *IG* i² 377 (= Tod 54). 14 χρόνος ἄρχει Μεταγειτνίων μῆν, *Ais.* 3. 62 ἐπ' ἧς χρόνος Θεμιστοκλῆς ἄρχων.

οἱ πεντακόσιοι λαχόντες τῷ κυάμῳ: This careful definition of the democratic council distinguishes it from the Four-hundred, and perhaps also from a council of five-hundred not chosen by lot which held office under the Five-thousand in 411/0 (so Hignett 372). If οἱ λαχόντες τῷ κυάμῳ is regarded as equivalent to a noun and πεντακόσιοι as an adjective qualifying it, Bekker's insertion of a second οἱ after πεντακόσιοι is unnecessary; cf. οἱ ἐννέα ἄρχοντες.

πρῶτος: There was a different secretary for each prytany. A conciliar year might be dated either by the name of the secretary for its first prytany, or (as in 77) by the archon-year to which it approximately corresponded.

97. καθ' ἱερῶν τελείων: LSJ κατά A II 4.

τυραννεῖν: cf. 78 τυράννοις. Demophantos may have simply taken over an obsolete reference to tyranny from a previous law, but not necessarily, since 'tyranny' was an accusation still bandied about in the late fifth century (Th. 6. 53. 3, 60. 1, Ar. *Wasps* 417, 464, 488, *Birds* 1074, *Thes.* 338, 1143, *Lys.* 619, 630). The wording here is reminiscent of the old law quoted in *Ath. Pol.* 16. 10: ἐάν τινες τυραννεῖν ἐπανιστῶνται [ἐπὶ τυραννίδι] ἢ συγκαθιστῇ <τις> τὴν τυραννίδα, ἄτιμον εἶναι καὶ αὐτὸν καὶ γένος.

98. Ἀρμόδιόν τε καὶ Ἀριστογείτονα: In 514 Harmodios and Aristogeiton attempted to kill the tyrant Hippias, and succeeded in killing his brother Hipparchos. They became national heroes of Athens. Regular offerings were made in their honour (*Ath. Pol.* 58. 1, D. 19. 280), and their descendants received various privileges (*IG* i² 77, *Is.* 5. 47, D. 20. 127, *Dein.* 1. 101).

ἐν τῷ στρατοπέδῳ: In 412/1 a conspiracy was formed among members of the Athenian navy stationed at Samos for the establishment of an oligarchy (Th. 8. 48. 2).

πρὸ Διονυσίων: The great Dionysia were held each year in the month Elaphebolion (approximately March). So the period of grace allowed for taking the oath was the surprisingly long one of about nine months.

99. ἐπίτριπτον κίναδος: Odysseus is called τοῦπίτριπτον κίναδος in S. *Ai.* 103. κίναδος is a Sicilian word for 'fox', but in Attic it is used only of cunning men (Ar. *Clouds* 448, *Birds* 430, D. 18. 162, 242, Dein. 1. 40). In view of what follows in 100, there may also be a play on κίναιδος (as Hickie suggests).

δ' appears to be superfluous at the beginning of an answer. Yet it occurs similarly in 117 and in Pl. *Chrm.* 172c. We should therefore hesitate to accept οὐ κύριος; <οὐ κύριος> (Reiske) or διὰ τοῦτό γ' (Dalmeyda).

γεγένηται ἄκυρος: And. is speaking loosely. He does not mean that the law was completely invalid (for if this had been the case the law would not have remained on a stele in front of the council-house (95)), but only that it was not valid in Epichares's case, because it could not now be enforced against persons who offended against it before the beginning of 403/2.

ὥς μὴ ἀναγκασθείης . . . : The Thirty took stern measures against συνοκφάνται (X. *Hel.* 2. 3. 12).

100. ἐταιρείας: ἐταῖρος means 'comrade', 'associate' (especially in politics), or 'lover'. ἐταιρεία means 'comradeship' or 'association', and is used especially of the secret political groups and conspiracies which were common at Athens at this period; but the verb ἐταιρέω denotes a homosexual relationship. Epichares accused And. of political conspiracy; And. accuses Epichares of unchastity, and uses the word ἡταιρήσας for it to make Epichares's charge that And. was a ἐταῖρος (like his challenge to the validity of the amnesty) recoil upon Epichares and show him to be guiltier than And. (Harpokration ἐταιρεία and LSJ ἐταιρεία III miss the point of And.'s quip, and should be ignored.) To us And.'s accusation of his accuser seems neither logical nor relevant; but such considerations never worried Greek orators, who were always ready to descend to personal abuse if they thought it would impress the jury.

τινας: 'people', i.e. And.

καλῶς γὰρ ἂν σοι εἶχε: 'that would be all right', 'no one would find fault with that'.

πραττόμενος . . . : 'but welcomed the entire world for next to nothing, as the court knows, and supported yourself by vice, your villainous appearance notwithstanding' (Maidment).

ἐτόλμα: I see no compelling reason to accept Blass's emendation τολμᾷ. Epichares's speech is now over, but the trial in which he is an accuser is still in progress; And. may therefore use either a past tense (e.g. 101 κατηγορεῖ, ἔδοξα κρίνεσθαι), or a present (e.g. 100 ποιῇ, λέγεις) to refer to Epichares's accusation. It is not necessary that the

verb here should be in the same tense as *ἔστιν* later in the sentence; *ἔστιν* does not, as *ἐτόλμα* does, refer to a speech which is already in the past.

κατὰ τοὺς νόμους . . . : A man who practised *ἐταίρησις* was required to avoid exercising the rights of a citizen (that is, he was treated as *ἄτιμος*). If he did exercise any of them he became liable to prosecution by a *γραφὴ ἐταίρησεως*; the penalty was death. (Ais. 1. 19-20, 87; cf. Lipsius 436-7.) Epichares was of course exercising citizen-rights by prosecuting And.

101-9. The political significance of the trial.

101. *ὑπῆρχεν*: sc. *ἄν*: 'would be there, ready to do it'.

καὶ γὰρ νῦν: 'Yes, and he is now too'. *καὶ γάρ* at the beginning of answers regularly means 'yes, and'. (Denniston 110 misleadingly calls this passage 'continuous speech', and wrongly translates 'For that is what he is doing *now*'. *γάρ* does not mean 'for' here, since And. does not mean that Epichares's present activities are evidence for what he would do under the Thirty, but that they are just the same as what he would do under the Thirty.)

ἀνέκρινε: *ἀνάκρισις* was the preliminary examination of a case made by the magistrate before the trial. And. visualizes Charikles as the presiding magistrate.

Χαρικλῆς: see note on 36. The questions which And. puts into Charikles's mouth are equivalent to 'Have you been a supporter of the oligarchs?' But of course no oligarch would really have used these democratic descriptions of the events of the war.

Δεκέλειαν: In 411, when the Four-hundred were deposed, Peisandros and other leading oligarchs fled to Dekeleia (Th. 8. 98. 1). This town in north Attica had been fortified by a Spartan garrison as a base for raids on the rest of Attica.

Τί δέ;; 'Well, . . .'; 'a formula of transition' (Denniston 176).

ἐναυμάχσας: in the battles of the years 410-05. For the events of 404, cf. 80.

συγκατέλυσας τὸν δῆμον: 'helped to overthrow the democracy' in 404.

δοκεῖς οὖν . . . : 'Then do you expect to get away scot-free, or avoid the fate many others have suffered?' *ἢ* of course does not mean that *χαίρησιν* and *οὐκ ἀποθανεῖσθαι* are two mutually exclusive alternatives; they are simply two things neither of which can be expected to happen. Because the question implies a negative answer, *ἢ* is as natural in the Greek as 'or' in the English. Dobree's emendation *καὶ* is unnecessary.

102. ἄλλων τινῶν: 'any other treatment' than death.

δὲ ὑμᾶς: 'because of my loyalty to you'.

οὐ σωθήσομαι: On the negative after εἰ, see note on 33 οὐδέν.

πάντως δήπου: Are we to understand here δεινὸν ἔσται (so Marchant and Maidment) or σωθήσομαι (so Hickie, Dalmeyda, Makkink)? σωθήσομαι, I think, since there can be no doubt that σωθήσεται is the verb to be supplied with σχολῇ γέ τις ἄλλος ἀνθρώπων.

103. νόμον κείμενον: the law permitting ἐνδειξις to be used against a man found to be exercising a right which he did not possess.

περὶ ἐτέρων: And. wants the jury to believe that the decree of Isotimides had nothing to do with him. But in fact it must have been intended to apply to him when it was originally passed.

ὁρᾶτε μὴ προσήκει: 'beware lest it is fitting', 'consider that it may be fitting'. Cf. E. *Ion* 1523-7 ὅρα σύ, μήτερ, μὴ . . . τῷ θεῷ προστίθης τὴν αἰτίαν, καὶ . . . Φοίβῳ τεκεῖν με φής, *Or.* 208-9.

'This is a test case; if the psephism of Isotimides is still valid, then other measures passed before 403 B.C. are valid too, and will be revived against men guilty in the past of crimes greater than those with which I am charged' (Marchant).

τοῦτο μὲν . . . τοῦτο δέ . . . τοῦτο δέ: 'firstly . . . secondly . . . thirdly'. This is a primitive manner of making a contrast, since the writer does not have to go to the trouble of picking out contrasted words to put with μὲν and δέ. It is common in Herodotos and Antiphon, and becomes progressively rarer in later authors; in And. it occurs also in 2. 16, 2. 17, 3. 40.

ὅρκους: the oaths of 90-91.

ὧν εἵνεκα . . . οἷ: The double use of the connecting relative adds emphasis. 'It was for their sake that . . . , and they . . . '.

στήλας: on which laws were inscribed.

104. εἰς ἀγῶνα καθίστασθαι: The 'apographa' and most editors have ἀγῶνας, but the singular is actually the reading of the ms., and is not in need of emendation.

ἐχθροὶ are those who dislike the guilty men personally, συκοφάνται those who are willing to prosecute anyone if they see a chance of profit for themselves.

105. ἀμφοτέρω: the guilty men, and the ἐχθροὶ and συκοφάνται. τοὺς δέ 'is more or less of an afterthought, and it is hardly necessary to suppose an ellipse of' τοὺς μὲν (Denniston 166).

ὁ μὲν ἀγὼν . . . : μὲν/δέ are clumsily used here. The contrast is not really between the trial and the vote, but between And., whose case is being tried, and the other men who take the result of And.'s case as a precedent. 'It is my life which is at stake in the trial, but the public

in general will learn from your vote whether . . . ' For the personification of *ψῆφος*, cf. Dein. 1. 107.

τοῖς νόμοις . . . : 'trust your laws, or bribe the accusers, or flee from them . . .'. If And. is condemned, others guilty of crimes before 403 will have to choose between bribery and flight. For this sense of *παρασκευάζομαι*, see LSJ *παρασκευάζω* B I 2.

106. ὁ δῆμος ἔφευγε: 'the democrats were in exile'. Solon was traditionally regarded as the founder of Athenian democracy, and so And. takes for granted that in the time of the Peisistratids democracy was the alternative to tyranny. But the accounts of the period in Herodotos and the *Ath. Pol.* show that in fact power was in the hands of the leading aristocrats; and the common people, as far as they took any interest in politics at all, may well have given more support to the tyranny than to the aristocracy.

ἐπὶ Παλληνίῳ: And. is probably referring to a battle in 510, when Hippias was expelled by Kleomenes, king of Sparta. See Appendix O.

στρατηγούντος: In the time of the tyrants it seems likely that there were four generals, each commanding the forces of one of the four tribes. The tyrants must have kept control over their appointment. Either Leogoras and Charias were appointed generals by Hippias and afterwards turned against him, or else (and this is perhaps more likely) And. means only that they were leaders of the rebels, not that they held the official position of *στρατηγός*.

Λεωγόρου: On And.'s ancestors see Introduction I and Appendix K.

107. ἡνίκα βασιλεὺς ἐπεστράτευσεν: It is normal to refer to the king of Persia as *βασιλεὺς* without the definite article. And. is referring to the Persian invasion of Greece in 490. King Dareios did not in fact lead this expedition in person; either *ἐπεστράτευσεν* means merely 'sent an expedition', or else And. has confused Dareios with Xerxes, who did personally lead his invasion in 480.

ἔγνωσαν: 'they decided'. It used to be thought that And. was mistaken here in placing this amnesty before the battle of Marathon in 490 instead of in 480. But Raubitschek has pointed out, in *Rheinisches Museum* xcvi (1955) 259 note 2, that it is quite likely to have occurred before Marathon, at the time when some slaves were given their freedom so that they could fight in the battle (Paus. 7. 15. 7, cf. 1. 32. 3, 10. 20. 2). (*Ath. Pol.* 22. 8 certainly, and Plu. *Them.* 11. 1 and *Arist.* 8. 1 probably (since both passages concern Aristides), refer only to ostracized men, not to exiles in general.)

τὴν σφετέραν αὐτῶν ἀρετὴν . . . : 'that their own courage was sufficient to set against the large numbers of the enemy'. Th. 3. 56. 5

uses a similar phrase, ἀρετὴν τῇ Ξέρξου δυνάμει ἀντιτάσσεται; perhaps this was a traditional description of the Persian Wars.

108. τοιγάρτοι διὰ ταῦτα: 'It was for this very reason that . . .', reinforced later in the sentence by διὰ τὸ ἀλλήλοις ὁμονοεῖν. And. wishes to stress the moral of his anecdote.

ἀνάστατον . . . : sacked by Xerxes in 480.

τῶν Ἑλλήνων: objective genitive.

κατηργάσαντο: ἐργάζομαι has ἡργ- in the imperfect and aorist, but εἰργ- in the perfect (Meisterhans 171). The ms. therefore requires correction here and in 144, but not in 52.

109. ὕστερον: in 405-3.

ἀγαθοὶ ἐξ ἀγαθῶν: 'fine sons of fine fathers'.

ἀπέδοτε τὴν ὑπάρχουσαν ἀρετὴν: 'you showed your generosity'.

Cf. Th. 4. 19. 3 ἀνταποδοῦναι ἀρετὴν.

ᾶ: 'this', i.e. to become great and prosperous. Blass wrote ᾶ (<καὶ> νῦν; but the fact that this makes the meaning clearer is not proof that And. wrote it.

ὑπάρχει: 'is possible'. The possibility is a fact, and so the indicative is used, even though the verb of the protasis is optative. Cf. 20 οἶόν τε δ' οὐκ ᾔν.

110-16. The suppliant-branch.

110. ἱκετηρίας: An olive-branch was a symbol of supplication. The prosecution alleged that a few days before the present trial And. had made a formal gesture of supplication, entreating pardon for his offences (and thus, by implication, admitting his guilt), and in doing so had inadvertently broken a religious law.

Ἐλευσινίῳ: the temple at Athens of the goddesses of Eleusis (Demeter and Kore). It lay south-east of the agora, below the akropolis. (Gomme *Commentary on Thucydides* ii 62-63 summarizes the evidence for its site.)

δ' εἴη: A papyrus fragment of a commentary on a lost play of Aristophanes (*Papiri Fiorentini* ii (ed. Comparetti) p. 16 no. 112), quoting extracts from 110 and 116, has]ηπα[, which confirms Bekker's conjecture.

μυστηρίοις: 'at the time of the Mysteries'.

ᾶ αὐτοὶ κατεσκεύασαν is the object of ἀδικοῦντος. This is shown by the emphatic αὐτοὶ and ἐμοῦ, which are contrasted with each other: 'a crime which they themselves contrived they accuse me of committing'. And. obscures the grammar by inserting in the middle 'it is not enough for them that their plot failed, but'; but this kind of clumsiness is typical of And., and emendation is not called for.

III. ἐπειδὴ . . . : at the end of the Eleusinian festival, on Boedromion 23 or 24.

ἡ ἔνδειξις: Kephisios's notice of prosecution of And., which he gave during the Mysteries (this is shown by the tense of ἐγεγένητο and also by 121); he reported that And. was attending the festival when forbidden to do so by the decree of Isotimides. The notice was given to the basileus because the charge concerned religion. This passage therefore provides no ground for the assumption that every ἔνδειξις was made to the basileus; that assumption is refuted by D. 24. 22 ἐνδειξας αὐτῶν ἔστω πρὸς τοὺς θεσμοθέτας.

προσῆει seems to mean 'came to the presidents to report'. Normally with πρόσειμι the person or thing approached is either explicitly mentioned (usually dative, or accusative with preposition) or clearly implied by what precedes. Some have therefore wished to insert τοῖς πρυτάνεσιν in the text, either after προσῆει (so Blass) or after ἐστίν (so Koepke). An alternative line of attack would be to emend the verb to one meaning 'made his report', and I have wondered whether προσήγειλεν is possible. But I am not certain that any change is essential; perhaps the procedure followed at the end of the Eleusinian festival was so familiar to And.'s audience that he thought προσῆει clear enough. The omission of ν ἐφελευστικόν at the beginning of the fourth century need cause no surprise; cf. Meisterhans 113-14.

περὶ τῶν γεγεννημένων Ἐλευσίνι κατὰ τὴν τελετὴν: 'about the performance of the ritual at Eleusis'. His account evidently included a report of Kephisios's notice of prosecution; that is why instructions were given for And. and Kephisios to attend at the Eleusinion.

ἡ βουλὴ: Why did the prosecution of And. concern the council? Presumably the prosecution had to be reported to it, and was referred by it to a law-court. Unfortunately there is no evidence which enables us to give any more complete answer than this. It seems to be true that some cases were tried by the council and were then referred to a law-court if the penalty proposed was more than a fine of 500 drachmas (D. 47. 43, *Ath. Pol.* 45. 1); but there is no evidence that the council tried And.'s case, nor that it ever tried any case of ἔνδειξις (for in And. 2. 13-14 the βουλὴ is the Four-hundred, not the democratic council). So the reference of And.'s case to the council may have been a mere formality.

τὸν Σόλωνος νόμον: see note on 81 τέως δὲ . . . This law may not really have been due to Solon, especially if, as some maintain, the council did not exist in Solon's time.

τῇ ὑστεραίᾳ: Boedromion 24.

112. Καλλίας ὁ Ἰππονίκου: see Introduction III.

τὴν σκευὴν ἔχων: 'wearing his official dress' as dadouchos.

αὐτοῖς: the council; for the plural cf. 15 δοῖεν.

ὑπήκουε: 'responded', either by speaking or by coming forward.

οὗτος ἡμᾶς ἑώρα: 'Kephisios could see me (and so could have denounced me to the herald if he had believed me guilty of placing the suppliant-branch).'

ᾤχετο εἰσὼν, 'went inside', indicates that Eukles the herald made his proclamation outside the Eleusinion, and thus that And. and Kephisios were waiting outside.

ἐπεξελθὼν: 'after making the enquiry'; cf. Th. 1. 22. 2.

Εὐκλῆς was appointed κῆρυξ τῆς βουλῆς καὶ τοῦ δήμου in or soon after 403/2, as a reward for assisting in the restoration of the democracy (IG ii² 145).

113. δ seems to me grammatically necessary; cf. Pl. *Grg.* 481c πάντα τὰ ἐναντία πράττομεν, ὡς ἔοικεν, ἢ ἂ δεῖ. Its loss by haplography before οἱ would be extremely easy.

περιαγάγειν: 'confused'. The metaphor is one of leading a man round and round until he does not know which way he is going. Cf. Pl. *La.* 187e μὴ παύεσθαι ὑπὸ τούτου περιαγόμενον τῷ λόγῳ, πρὶν ἂν ἐμπέσῃ εἰς τὸ διδόναι περὶ αὐτοῦ λόγον, Lucian *Nigrinos* 8 παῦε, ὦ θαυμάσιε, μικρὸν ἀνακρουόμενος καὶ λέγε ἐξ ἀρχῆς ἀναλαβὼν ἥδη τὰ εἰρημμένα: ὡς οὐ μετρίως με ἀποκναίεις περιάγων. But since both these passages concern complicated verbal arguments or explanations, neither is an exact parallel to our passage, and Dobree's conjecture παραγάγειν, 'led astray', may be correct.

ὑπ' αὐτοῖν μὲν . . . : The contrasted idea, 'I brought myself into danger', is postponed to the next part of the sentence, so that this μὲν never receives an answering δέ.

114. εἰ γὰρ ἔθηκα . . . : 'Suppose that I laid the bough there, and then failed to answer the Herald. Was it not I myself who was bringing about my doom by putting the bough on the altar? And was it not a piece of good fortune, my silence, that saved me, a piece of good fortune for which I clearly had the Two Goddesses to thank?' (Maidment).

115. ἐξηγήσατο: This particular compound of ἡγοῦμαι is used especially in religious contexts. Contrast 117, where διηγῆσομαι is used of a non-religious matter.

Κέφαλος was supporting And. at this trial (150). He was a potter, now at the beginning of his career as a democratic politician. He was of course satirized by contemporary comedians (Ar. *Ekkl.* 248 ff., Pl. com. 185), and he is said to have accepted gold from the Persian

envoy Timokrates (in 396 or 395) (*Hell. Oxy.* 2. 2, Paus. 3. 9. 8, though X. *Hel.* 3. 5. 2 appears to contradict this). But by the orators of the next generation he is praised as a great *ρήτωρ* (D. 18. 219), whose proposals were never challenged by a *γραφὴ παρανόμων* (Ais. 3. 194, D. 18. 251), and as one of those who restored Athens to greatness after the Peloponnesian War (Dein. 1. 76); and even Aristophanes (*Ekkkl.* 253) admits that his politics were better than his pots.

116. Κηρύκων: see Introduction II. The Eumolpidae were the family who had the right of *ἐξήγησις* of matters concerning the Eleusinian festival; cf. *IG* 1² 76 (= Tod 74). 36, *Ag. And.* 10, F. Jacoby *Atthis* (Oxford, 1949) chapter I § 2, J. H. Oliver *The Athenian Expounders of the Sacred and Ancestral Law* (Baltimore, 1950) chapter II.

δν: accusative absolute, because used impersonally. Cf. **81** *γεγόμενον*.

ἡ δὲ στήλη κελεύει: With this personification cf. D. 20. 128 *ἀκούετε τῶν ἀντιγράφων τῆς στήλης . . . κελευόντων*. It has been suggested (by Sauppe, according to Jacoby *Atthis* 245) that the inscription on this stele is identical with *IG* 1² 6, which lays down regulations for the Eleusinian festival; but this can be no more than a guess.

This item of the disagreement between Kephalos and Kallias does not mark a conflict between sacred and secular law, as some have thought; it is simply a dispute about which of two laws on the same subject was the valid one. From what And. says next it appears that the evidence of the stele was accepted as deciding this question. The law quoted by Kallias was therefore either an old law which had been superseded by the one on the stele, or else a mere invention by Kallias (or Hipponikos). Cf. Jacoby *Atthis* 244–5.

κάλεσον αὐτὸν τῇ βουλῇ: 'ethic' dative.

117–31. Attack on Kallias and his motives.

117. ὁ δὲ Καλλίας: *δέ*, connecting this sentence to the previous one, occupies a regular position. Exclamations, vocatives, and parentheses are not grammatically part of the sentence, and so may be regarded as not affecting the position of *δέ*. What is curious in this instance is that another connective (*τοίνυν*) has also been inserted with the exclamation. When a sentence begins with an exclamation, it is usual to place a connective either with the exclamation (e.g. **128**) or with the sentence proper (e.g. **27**, where *μετὰ ταῦτα* rather than *δὲ* is the connective), but not with both.

Ἐπίλυκος at some time went on an embassy to the king of Persia, which resulted in a treaty, according to And. 3. 29. This is not likely

to have been the peace of Kallias in 449 (since that would mean either that Epilykos was an extraordinarily young envoy, or that his daughter had reached an improbably advanced age in 400), but the renewal of that peace with King Dareios II on his accession in 424/3 (U. Köhler in *Hermes* xxvii (1892) 73-75, H. T. Wade-Gery *Essays in Greek History* 207-11). It has been suggested (e.g. by David Stockton in *Historia* viii (1959) 68) that the treaty of 424/3 is fictitious, but that does not mean that the embassy of this period is fictitious also.

θεῖός μοι: For the relationships of the persons mentioned in this passage, see Appendix L.

ἐν Σικελίᾳ: Some have taken this to mean that Epilykos died in the Sicilian expedition of 415-13, but that is most unlikely. It would mean that his will had remained unsettled for thirteen years or more since his death; but cases like Jarndyce and Jarndyce were unknown in Athenian courts. And at what point in And.'s life in the years 415-13 could his remarks to Leagros (119) belong? Epilykos must have died on a visit to Sicily in 401 or 400.

ἀρρένων παίδων: A genitive of separation is regular with *ἄπαις*.

ἐγγίγοντο: If a man at death left a daughter but no legitimate (or adopted) sons or grandsons and no will, the heiress (*ἐπικληρος*) and the dead man's property passed (*γίγνεσθαι*) to his nearest male relative (excluding his father, if still alive), who was entitled to claim them at law (for this process, see note on 119 *ἐπιδικάζου*). If he exercised this claim, he received both the property and the heiress; he was then obliged either to marry the heiress himself or (probably; see next paragraph) to provide her with some other husband and a dowry. Alternatively he could forgo his claim and allow both the property and the heiress to pass to the next nearest relative. The claimant had charge of the property only until the sons of the heiress (that is, the grandsons of the dead man to whom the property originally belonged) came of age; then the property passed to them.

If the dead man was poor, so that the heiress brought little or no property with her, then of course (unless she had other qualities to recommend her) there might be no demand for her. The law therefore was that, when an heiress belonged to the lowest property-class (*θητικὸν τέλος*), the nearest relative could be compelled either to marry her or to provide a dowry (Is. 1. 39, D. 43. 54). The alternative course of providing a dowry is not actually mentioned in our sources in connexion with heiresses belonging to other property-classes (unless perhaps in Terence *Phormio* 2. 1. 65-67, where the heiress's property-class is not clear); but since it was possible with heiresses of the lowest property-class, it seems likely that it was possible with those of other property-classes too. Epilykos at his death left more debts than

property (118); it therefore seems almost certain that his daughters belonged to the lowest property-class. (Not absolutely certain, perhaps, since a person's property-class depended not on his capital but on his income.) Thus we can probably assume that any claimant for one of Epilykos's daughters could, if he had wished, have given her a dowry instead of marrying her himself.

And. was the son of a sister of Epilykos. The fact that he and Leagros were equally entitled to claim the daughters of Epilykos implies that Epilykos had no surviving sons, grandsons, brothers, or sons of brothers (cf. Is. 3. 72), and that Leagros was also the son of a sister.

Passages which are particularly important as evidence for Athenian procedure with regard to heiresses are Is. 1. 39, 3. 50, 3. 64, 3. 72, 8. 31, 10. 4-6, 10. 19, 11. 1-2, fr. 25 Thalheim = ii 2 Roussel, D. 43. 51, 43. 54, 46. 20. Cf. W. Wyse *The Speeches of Isaeus* (Cambridge, 1904), especially pages 348-9 (where, however, he assumes too readily that in our case Chrysilla was a daughter of Epilykos's sister; cf. Appendix L), Lipsius 543-61, and Sir John C. Miles *The Attic Law of Intestate Succession*, in *Hermathena* lxxv (1950) 69-77. That an heiress could not be claimed if she already had a son (that is, if the dead man had a grandson to inherit his property) has been maintained most recently by U. E. Paoli *La legittima afèresi dell' ἐπίκληρος nel diritto attico*, in *Miscellanea Giovanni Mercati* v (= *Studi e Testi* cxxv) (Vatican, 1946) 524-38.

εἷς τε ἐμέ: Denniston 518.

Λέαγρον: son of Glaukon (Pl. com. 64), and thus brother-in-law of Kallias. Glaukon had been a frequent colleague of Perikles as general: in 441/0 at Samos (Androtion F 38), in 439/8 (*ATL* ii D18. 44), perhaps in 435/4 (*ATL* ii T72d), and in 433/2 at Kerkyra (*IG* i² 295 = Tod 55, Th. 1. 51. 4). But Leagros was less eminent; Pl. com. 64 calls him ἀβελτεροκόκκυξ ἡλίθιος, 'a stupid cuckoo'.

118. τὰ πράγματα τὰ οἴκοι: 'his financial affairs'; cf. LSJ *οἶκος* II. φανεράν οὐσίαν: Greek writers are not consistent in their distinctions between 'visible' and 'invisible' (ἀφανής) property. Land and buildings are always counted as visible. Slaves, animals, and household effects are usually counted as visible (e.g. Is. 8. 35); Harpokration ἀφανής οὐσία καὶ φανερά, naming Lysias as his authority, regards them as invisible, but possibly this is based on a misunderstanding of Lysias. Money which a man has in his own possession is regarded as visible in Lys. 12. 83, D. *Ep.* 3. 41, but invisible in Ar. *Ekk.* 602, Lys. fr. 79 Thalheim (= xxiv 2 Gernet-Bizos), Dein. 1. 70. Money deposited with a banker is visible in D. 48. 12, invisible in Isok. 17. 7.

Money lent out on interest is visible in Is. 11. 42-43, invisible in Is. 8. 35. Thus the words cannot be regarded as technical terms of invariable application, and And.'s precise meaning can be decided only from the context. This appears to leave two possibilities open:

1. 'Assets', including any money owed to Epilykos at the time of his death, opposed to 'liabilities' (τὰ ὀφειλόμενα).

2. Property (including money) which Epilykos had in his possession at the time of his death, before any debts owed to him or by him were taken into account.

But if we assume that Epilykos had no money deposited with a banker or lent out to others (as seems quite likely), these two interpretations would have the same effect in his case.

οὐδὲ δυοῖν ταλάντοις: 'consisting of less than two talents'.

ἐναντίον τῶν φίλων: 'in the presence of the members of the family'.

For this sense of φίλοι, cf. Lys. 13. 41, 32. 11-12.

δεικνύναι τὰς οἰκειότητας: to behave as relatives might be expected to behave.

119. οὔτε χρήματα ἕτερα . . . : 'to prefer (alliance with) another estate or a successful man'. Herbert Richards *Aristophanes and others* (London, 1909) 217 conjectured ἐτέρου.

καὶ γάρ: 'for after all'.

τοιγάροι . . . : 'So, whereas in that case we should have claimed them because of Epilykos or because of his money, as things are . . . '.

ἀρετὴν: What was virtuous about the action of And. and Leagros? That they exercised their right to claim the heiresses instead of leaving the responsibility for them to somebody else? Hardly, if I am right in thinking that the heiresses belonged to the lowest property-class; for in this case And. and Leagros, being the nearest relatives, could have been compelled either to marry them or to provide dowries for them if no other claimant had come forward (see note on 117 ἐγγίνοντο). That they were willing to marry the girls instead of merely providing dowries? But marrying them was, presumably, the cheaper of these two alternatives; and besides it cannot really have been a very unattractive proposition if Kallias, to secure one of the girls for his son, was willing to go to the lengths described by And. in 120-3. I suspect that the virtuosity of And.'s conduct was less great than he would have us believe.

ἐπιδικάζου: When a man died his sons (including adopted sons, if adopted during his lifetime and not by will), or (if his sons were dead) his subsequent descendants in the direct male line, could enter on their inheritance at once without formality, but other claimants for an inheritance (whether it was accompanied by an heiress or not) had

to go through the legal procedure known as *ἐπιδικασία*. The claimant made his claim to the archon. The claim was read out at the next ordinary meeting of the assembly (*Ath. Pol.* 43. 4), so that anyone who wished to challenge it might do so. (D. 43. 5 perhaps refers to this proclamation in the assembly, and not necessarily to an additional proclamation on some other occasion. The contrary argument of Lipsius 580 note 117 is not cogent.) If no other claimant appeared, the archon awarded the inheritance (with the heiress, if any) to the original claimant. If the claim was disputed, the case became a *διαδικασία* (for which see note on 28), tried by a jury. Cf. Lipsius 577-85.

The active *ἐπιδικάζω*, with the archon or jury as subject, means 'award' an inheritance or heiress. The middle *ἐπιδικάζομαι* in the present, imperfect, or future means 'claim'; in the perfect it means 'obtain'; in the aorist it may have either of these two meanings. Instances are listed by Wyse *The Speeches of Isaeus* 323-4.

120. ἐπεδικασάμεθα: On the absence of a connective particle, see Appendix P; this word repeats a salient word not actually used in the last sentence, but used in the last-but-one sentence and latent in the last (which is equivalent to *ὡμολόγησέ μοι ἐπιδικάσεσθαι*). 'We did enter claims, just as we agreed to do.'

ἐπειθε: 'tried to persuade'.

παράστασιν: 'fee' of one drachma, which had to be paid on entering a claim.

ἔλαχον: This verb is regularly used to denote an early stage in the procedure of initiating a case, but it is not certainly known to what precise action it refers. It appears to be the next stage after giving an archon notice of intention to prosecute and paying the fee. (That is implied by our passage, and by *Ag. And.* 11 *προσεκαλέσατο δίκην ἀσεβείας πρὸς τὸν βασιλέα, καὶ ἔλαχεν*.) Since the usual meaning of the word in other contexts is 'obtain', in legal contexts it is commonly taken to mean 'obtain leave to bring a case'. In other contexts the word commonly implies the use of lot, and the law in D. 46. 22, referring to the acceptance of inheritance-cases by the archon, contains the word *κληροῦν*, which seems also to imply the use of lot: *κληροῦν δὲ τὸν ἀρχοντα κλήρων καὶ ἐπικλήρων, ὅσοι εἰσὶ μῆνες, πλὴν τοῦ Σκιροφοριῶνος· ἀνεπίδικον δὲ κληρον μὴ ἔχειν*. Consequently it is thought that the archon decided by lot the order in which cases were to come to trial, or (if this was not the same order) in which he would hold his preliminary investigation (*ἀνάκρισις*) of them. The law in D. 46. 22 mentions 'every month except Skirophorion'. Perhaps the archon allowed the notices which he received to accumulate during the

month, and at the end of the month drew lots to decide in which order these cases should be taken during the following month. The procedure was not followed in Skirophorion, the last month of the year; perhaps it was thought undesirable that an archon about to go out of office should organize, even by lot, the business of his successor. Such an arrangement would be intelligible. There is, however, no other evidence for it.

πρότερον μὲν λέγων . . . : We expect something like 'In the first place saying to Leagros that he could claim her if he wished, and in the second place intending to claim her for myself if he did not want her'; but later the form of the sentence is changed, so that δεύτερον δέ never appears.

The objections to the ms. reading are:

1. The ὅτι-clause has no connexion with the rest of the sentence. It cannot depend on ἔλαχον, for σὺ refers to Leagros, whereas And.'s claim was addressed to the archon.

2. ἔλαχον Λεάγρῳ cannot mean 'I obtained leave to make a claim on behalf of Leagros', since Leagros had already made a claim on his own behalf (ἐπεδικασάμεθα ἄμφω at the beginning of 120).

3. ἔλαχον Λεάγρῳ cannot mean 'I obtained leave to make a claim against Leagros', since And. immediately afterwards says that his intention was not to make a claim against Leagros, but only against Kallias (or Kallias's son) if Leagros waived his claim.

One might try to circumvent objection no. 3 by translating εἰ μὲν σὺ βούλει ἐπιδικάζεσθαι as 'if you wish to claim her for yourself' and εἰ δὲ μὴ as 'if you wish to claim her for someone else'. But I find it hard to believe that μὴ ἐπιδικάζεσθαι is the Greek for 'to make a claim on behalf of someone else'.

My emendation assumes that λέγων was lost before Λεάγρῳ, and that the adverb πρότερον, having lost the verb it modified, afterwards had its ending assimilated to that of Λεάγρῳ.

ἐπιδικάζεσθαι: The present infinitive means not just 'to claim' but 'to continue the claim' which Leagros had already begun (cf. ἐπεδικασάμεθα ἄμφω).

ἔχε τύχη ἀγαθῇ: 'keep her, and good luck to you!'

121. λαγχάνει τῷ υἱεῖ . . . : 'obtains leave to claim the heiress for his own son'. For the grammatical construction, cf. Is. 3. 32, 3. 60, 6. 46, 6. 57, 6. 58. For the claiming of an heiress by a father for his son, cf. Is. 10. 5, Arist. *Pol.* 1304^a8.

Two questions arise here. What legal right had Kallias's son to the heiress? And if Kallias really wanted the girl for himself (as And. alleges) why did he not claim her for himself? (The fact that he was

already married would not prevent him from claiming the right to dispose of her hand, or from marrying her after divorcing his present wife.)

Kallias's son was the heiress's uncle, on her mother's side; but this gave him no right to claim her, since Epilykos's property and daughter could be claimed only by a blood-relation of Epilykos. Some have thought that Chrysilla was the daughter of Glaukon, and that Kallias's son was consequently a nephew of Leagros and great-nephew of Epilykos; but in fact Chrysilla seems not to have been Glaukon's daughter (see Appendix L). Makkink therefore suggests that Kallias was related to Epilykos's father Teisandros. The names Epilykos and Teisandros both occur in the pedigree of the elder Miltiades (Pherekydes F2 = Markellinos *Life of Th.* 3); and the younger Miltiades was Kallias's great-grandfather, since the elder Kallias married his daughter Elpinike (Plu. *Kim.* 4. 8). (A similar view is taken by H. T. Wade-Gery *Essays in Greek History* 207 note 2.)

If Makkink's solution is right (and I have no better to offer), we must assume that the reason why the claim was entered on behalf of Kallias's son by Chrysilla, and not on behalf of Kallias's other son Hipponikos (who through his mother was a great-nephew of Epilykos) or of Kallias himself, was simply that Hipponikos and Kallias were both willing to waive their claims, because neither wanted a new wife. (Hipponikos was probably not yet separated from his wife (see Lys. 14. 28), nor Kallias from Chrysilla.) If Kallias voluntarily refrained from claiming the girl for himself but took trouble to claim her for his son, doubt is cast on And.'s lurid picture of Kallias's personal motives in making the claim.

τῇ δεκάτῃ ἰσταμένου: 'on the tenth' of Boedromion. The first ten days of each month were called *μὴν ἰστάμενος*.

ἵνα μὴ ἐπιδικάσωμαι ἐγώ: The aorist of ἐπιδικάζομαι may mean either 'claim' or 'obtain' the heiress (see note on 119 ἐπιδικάζου), but whichever sense it has here this clause cannot belong to the preceding sentence. Kallias's obtaining leave to make a claim on behalf of his son would not prevent And. from making his claim successfully, because And.'s relationship to Epilykos was the closer. The only thing that would do that was And.'s removal from Athens. What Kallias hoped was that And. would either be condemned or go into exile to avoid condemnation, and in this way be prevented from pursuing his claim.

The process of corruption which I assume is that δὲ was accidentally omitted and afterwards reinserted in the wrong place. A second possibility is that we should read ταῖς δ' εἰκάσι, μυστηρίοις τούτοις, ἵνα μὴ ἐπιδικάσωμαι ἐγώ, assuming that ἵνα μὴ ἐπιδικάσωμαι ἐγώ was accidentally omitted and afterwards reinserted in the wrong place.

A third alternative is that these four words are a gloss on the words that follow, and should be expelled altogether. The transference of δὲ was originally suggested by Lipsius 585 note 133.

ταῖς εἰκάσι were the days of the month from the 20th onwards. The last day of the Mysteries was Boedromion 22 or 23.

ἐνδείκνυσι: i.e. got Kephisios to give notice of prosecution. We might expect a middle form, but cf. 25 ἀνέγων, 58 ἔδησεν.

ὑπομένοντα: see note on 3 ὑπομείναι.

122. οὐδ' οὕτως: Alternatively Bekker's οὐδ' ὥς may be right. ὥς (= οὕτως) does not occur elsewhere in And.; οὐδὲ οὕτως occurs in 3. 16.

ἐσόμενα τὰ πράγματα: 'that he would get his way'.

Λυσίστρατον, Ἡγήμονα, Ἐπιχάρην: This may just possibly be the Lysistratos of 52 (see note there), but of course cannot be the Epichares of 95. For the accusative, cf. Aristomenes 4 τοὺς πρυτάνεις προσήλαθον.

χρωμένους: cf. 49 ἐχρῶ.

ἐν: 'in accordance with the decision of'. Cf. 17 ἐν ἐξακισχυλίοις.

123. εἶπον αὐτῷ . . . : 'I told him to go ahead both with the prosecution and with procuring other men to help him.' And. was addressing Kallias through the intermediaries; that is why he uses αὐτὸν, not σε, in the direct speech which follows.

σώματος: see note on 4. And. was on trial for his life; Kallias, if convicted of συκοφαντία, would merely lose certain rights. Here therefore And. is practically guilty of a pun.

ἅπερ αὐτὸν . . . : 'And with your permission, gentlemen, I shall not disappoint him in this.' For the double accusative with ψεύδομαι cf. S. OK 1145-6.

124. ἐποιήσατ' αὐτόν: '(Kallias) acknowledged him'. For this sense of ποιεῖσθαι, cf. D. 39-40, and Jean Rudhardt in *Museum Helveticum* xix (1962) 39-64.

Ἰσχομάχου: This is probably the character in Xenophon's *Oikonomikos*. He was generally admired as καλὸς καγαθός (X. *Oik.* 6. 17 ff.), and was said to be very wealthy (X. *Oik.* 11. 20), though he left little money when he died (Lys. 19. 46), apparently because he threw his wealth away on parasitic friends (Ath. 237a (= Araros 16), 537c; cf. also 8a (= Kratinos 328)).

There is, however, some doubt whether all these passages refer to the same Ischomachos. Araros 16 must refer to a living Ischomachos, and Araros presumably wrote no plays before the middle 380s (cf. Ar. *Pl.* hyp. iv); yet Lys. 19, in which Ischomachos is spoken of as already dead, is usually (e.g. Jebb *AOi* 232) dated 387. But perhaps

we may date this speech later, if we assume that Diotimos (Lys. 19. 50) held another naval command later than that in 388/7 (X. *Hel.* 5. 1. 25); Polyainos 5. 22 relates a number of exploits of Diotimos which may well belong to different years, and A. P. Burnett and C. N. Edmonson, in *Hesperia* xxx (1961) 80–81, attribute one of them to the battle of Naxos in 376. I would rather assume another command for Diotimos than a second wealthy Ischomachos.

τὴν μητέρα: Chrysilla; cf. 127 and Appendix L. If my identification of Ischomachos is correct, Chrysilla may well be the wife who appears in X. *Oik.* 7. 4 ff. She was married to him before she was fifteen years old. Her mother had told her that her only duty in life was *σωφρονεῖν* (which makes a curious contrast with And.'s version of Chrysilla's later activities), but Ischomachos (if Xenophon is to be believed) then gave her extensive instructions in housekeeping. However, we cannot be certain that this was Chrysilla, since there is no proof that Ischomachos was married only once.

συνώκει: That this verb implies a legitimate marriage is alleged in D. 59. 122: τὸ γὰρ συνοικεῖν τοῦτ' ἔστω, ὃς ἂν παιδοποιῇται καὶ εἰσάγῃ εἰς τε τοὺς φράτερας καὶ δημότας τοὺς υἱεῖς, καὶ τὰς θυγατέρας ἐκδιδῶ ὡς αὐτοῦ οὐσας τοῖς ἀνδράσιν. But And. clearly does not so limit its meaning.

τῆς Μητρὸς καὶ τῆς Θυγατρὸς: Demeter and Kore. Cf. Hdt. 8. 65. 4 τῇ Μητρὶ καὶ τῇ Κόρῃ.

125. ἀπαγχομένη μεταξύ κατεκλίθη: 'tried to hang herself, but before she had finished was taken down and put to bed'.

ῥῆκετο: If a wife deserted her husband (*ἀπόλειψις*), he could reclaim her before the archon; if a husband dismissed his wife (*ἀπόπεμψις*), that amounted to divorce, without further formality.

126. Ἀπατουρίαις: the annual festival of the phratries (*φρατῖαι*, 'brotherhoods' or 'clans'; for political affairs they were superseded in 508/7 by Kleisthenes's demes, but they continued to be used for various religious and ceremonial purposes). The Apatouria took place in Pyanopsion (approximately October), and lasted three days. On the third day (called *κουρεῶτις*) new members were registered in their phratry (*εἰς τοὺς φράτερας*); these included newly-married wives as well as newly-born children. A child was normally introduced by his father, who took an oath that the child was his offspring by a legally married wife (Is. 8. 19, quoted in note on 127 *ὁμόσαντα εἰσάγειν*).

ἔχοντες: The emendation *ἄγοντες*, suggested by Gernet in *Revue de Philologie* v (1931) 370, is unnecessary, because *ἔχων* is sometimes used for 'with' even with objects which cannot be carried or grasped (e.g. X. *Kyr.* 1. 6. 10).

κατάρξασθαι: 'to begin the ceremony'. This shows that Kallias was the priest of the phratry.

Ἰππόνικον ἐκ τῆς Γλαύκωνος θυγατρὸς: The eldest son was, according to the common custom, named after his grandfather. For Glaukon, see note on 117 *Λέαγρον*.

ἐξώλη εἶναι . . . : jussive accusative and infinitive; 'utter destruction was to fall on both himself and his family'. For this kind of ending to an oath, cf. 98. ὥσπερ ἔσται is of course not part of Kallias's oath, but And.'s own comment.

127. τῆς γραδὸς τολμηροτάτης γυναικὸς ἀνθρώσθη: 'fell in love with the old battleaxe again'. For the use of *γραυῖς* as an adjective with *γυνή*, cf. Ar. *Thes.* 345, D. 19. 283. Alternatively we might take *γραδὸς* as a noun, and translate 'the old woman, a most adventurous person'. ἀνέραμαι seems to occur only here (unless it is accepted in X. *Apom.* 3. 5. 7).

ἤδη μέγαν ὄντα: There was evidently no age-limit for registration but it was naturally usual to do it at the first celebration of the Apatouria after the baby's birth. Ar. *Frogs* 418 probably implies not that it was usually done at the age of seven, but only that it was usually done by the age of seven. Like And., Lys. 30. 2 implies that late registration was discreditable.

εἰς Κήρυκας: The Kerykes were a γένος. We more often hear of registration in a phratry (εἰς τοὺς φράτερας; a phratry would normally include a number of γένη) than in a γένος. But, in some cases at least, both registrations took place; this is shown by D. 59. 59 εἰσῆγεν ὁ Φράστωρ εἰς τοὺς φράτερας τὸν παῖδα . . . καὶ εἰς τοὺς Βρυτίδας, ὧν καὶ αὐτός ἐστιν ὁ Φράστωρ γεννήτης. (Is. 7. 13 εἰς τοὺς γεννήτας καὶ εἰς τοὺς φράτερας ἐνέγραψε may be another instance; but doubt is thrown on this case by the fact that in other parts of the speech (15, 17, 26, 43) Is. writes εἰς τοὺς γεννήτας τε καὶ φράτερας, or similar expressions, which may imply only a single ceremony.)

Καλλικλῆς: My emendation results from a comparison of passages in three authors:

1. In this passage of And. *Καλλίδης* (so the ms.) is a member of the aristocratic clan of Kerykes who speaks out in favour of the observance of a law in opposition to an influential person wishing to infringe it. The fact that And. makes no attempt to explain who he was suggests that he may have been well-known. But no Athenian of this period named Kallides is mentioned elsewhere.

2. Lys. 30. 14 mentions *Καλλιᾶδης* (so the principal ms.) as one of the many *καλοὶ κάγαθοί* who were put to death under the Thirty. No kind of person is more likely to have been put to death under the

Thirty than one who was accustomed to speak out against unconstitutional or illegal proceedings. This man cannot be the Kalliades mentioned in Diod. 13. 101. 5, who was executed after the battle of Arginousai in 406. A few other men of this period named Kalliades appear in inscriptions (e.g. *IG* ii² 1400. 46), but none is known to have been a prominent figure.

3. In Plato's *Gorgias* there is a prominent character named Καλλικλῆς. He is a wealthy young Athenian aristocrat who shows considerable obstinacy in maintaining his opinions even in the face of Sokrates's refutation of them. Professor E. R. Dodds, though knowing of no other reference to him in Greek literature, rightly insists that he must have been a real person, and continues (on page 13 of his edition of the *Gorgias*): 'Why, then, did such a vigorous and richly endowed personality leave no mark whatever on the history of his time? . . . When Sokrates is made to say to him at 519a 7 σοῦ δὲ ἴσως ἐπιλήψονται, εἰ μὴ εὐλαβῇ, is not Plato putting in his mouth a prophecy *post eventum*? In the desperate last years of the Peloponnesian War, and still more in the revolutions which followed its close, a man so ambitious and so dangerously frank about it may well have forfeited his life.'

It seems to me beyond reasonable doubt that all these passages refer to the same person, and that Καλλικλῆς must be restored in the texts of And. and Lysias. (The corruption of *ΚΑ* to *ΑΔ* or *Δ* is not difficult.)

ὁμόσαντα εἰσάγειν: Dalmeyda wished to write ὁμόσαι [εἰσάγειν]. But cf. the construction in Is. 8. 19: ὁ τε πατήρ ἡμῶν, ἐπεὶ δὲ ἐγενόμεθα, εἰς τοὺς φράτερας ἡμῶς εἰσήγαγεν, ὁμόσας κατὰ τοὺς νόμους τοὺς κειμένους ἢ μὴν ἐξ ἀσπῆς καὶ ἐγγνητῆς γυναικὸς εἰσάγειν.

λαβόμενος τοῦ βωμοῦ: And. deliberately repeats the words used in 126 to draw attention to the fact that this oath is the precise opposite of the one which Kallias swore before.

ὃν πρότερον ἀπώμοσε: 'yet this son he previously disowned on oath'.

The ms. has simply ὃν ἀπώμοσε. These words are of course not part of Kallias's oath (for he can hardly have said 'I swear that the son whom I disowned on oath is mine'). They are virtually an independent sentence; ἀπώμοσε is not subordinate to ὥμοσεν; and we must place a colon before ὃν and take it as a connective relative, equivalent to καὶ τοῦτον.

But if aorist verbs occur in two successive sentences or clauses, neither being subordinate to the other, the second verb refers to a time either later than the time of the first verb or simultaneous with it, not to an earlier time, unless a temporal adverb or phrase (e.g. πρῶν, πρότερον, πρὸ τούτων) is inserted to make this clear. So ὥμοσεν ἢ μὴν τὸν παῖδα ἑαυτοῦ εἶναι . . . ὃν ἀπώμοσε gives the meaning 'He swore that the boy was his . . . , and afterwards (or simultaneously)

disowned him on oath'. This is clearly not what And. means; the disowning took place some years earlier. I suggest therefore that *πρότερον* has fallen out after *ὄν* by haplography.

The son was thus registered as an Athenian citizen. 'Kallias's bastard' (*τὸ Καλλίου νόθον*) is sarcastically referred to as a citizen by Metagenes 13.

128. *παιδί*: The reading *παιδίω* will not suit an adult son.

129. *τῆς μὲν υἱός*: son of Chrysilla.

τῆς δὲ ἀδελφός: half-brother of the daughter of Ischomachos and Chrysilla.

τῆς δὲ θείος: uncle of the daughter of Epilykos.

Οἰδίπους, ἢ Αἰγισθος: Oedipus married his mother, Jocasta, without knowing who she was, and Aigisthos was the son of Thyestes and his daughter Pelopeia. Neither of these cases can be called a precise parallel to that of Kallias's son; And. simply quotes from mythology two names well known to be connected with unholy marriages. With even less appropriateness the son of Alkibiades and a Melian woman is said in *Ag. Alk.* 22 to have been born *παρανομωτέρως Αἰγίσθου* because Alkibiades had urged the enslavement of the Melians.

130. *βραχύ τι* . . . : 'to remind you of a small matter connected with Kallias'. Not 'to remind you briefly about Kallias', since And. has been discussing Kallias, not very briefly, ever since 117; nor 'to remind you briefly of a matter concerning Kallias', since *βραχύ* and *τι* are too close together to be separated in this way.

Ἰππόνικος: Kallias's father; see Introduction III.

τότε μέντοι sums up everything from *ὅτε* onwards: 'well, then . . .'. For this rather rare use of *μέντοι*, cf. *A. Ag.* 644, *Ais.* 1. 98, and *Denniston* 403.

παιδαρίοις, γυναίκοις: The diminutives are contemptuous, as in *D.* 19. 305.

κληδῶν is a poetic word, found nowhere else in Attic prose.

κατεῖχεν: 'prevailed'.

τράπεζαν is a pun, since it means both 'table' and 'bank'. Poltergeists knock over furniture; Kallias was a spendthrift. The pun cannot be kept exactly in English, but for an approximate equivalent we might say 'disturbs his books' or 'upsets his balance'.

131. *πλοῦτον*: *Lys.* 19. 48 says that the property of Kallias the father of Hipponikos was assessed at 200 talents, but that of Kallias the younger at less than 2 talents.

σωφροσύνην: Thrift is no doubt the chief, though not necessarily the only, form of self-control that And. has in mind.

βίον: Since this follows *σωφροσύνην*, it is probably 'way of life' rather than 'livelihood'.

132-6. Attack on Agyrrhios and his motives, with further evidence of what the Athenians will gain by acquitting And.

132. **ἐπ' ἐμοὶ** with *εἰσενεγκοῦσιν*: 'in my case', 'to deal with me'.

αὐτοῖς sums up the preceding datives: 'those who are now attacking me . . . why did they not think me guilty of impiety when . . . ?'

μῶν μὲν is answered by *καὶ εἰσιῶν* (for parallels see Denniston 374), not by *ἐτι δέ*. The precise sense of *μῶν* is not clear. The ceremony of initiation into the Mysteries was performed by the Eumolpidae and the Kerykes (*SEG* xvii 2. 109-14: *Κέρυκας δὲ μὴ[ἐν δῖχα τὸ]ς μύστας ἡέκαστον [καὶ Εὐμόλπιδ]ας κατὰ ταῦτά· . . . μὲν δὲ [ἦοι ἂν λάχ]οσι Κερύκον καὶ Εὐ[μολπιδόν]*). Marchant writes 'Of course *μῶν* does not mean that A. himself performed the rites, but he paid the expenses.'

D. 59. 21 supports the view that this verb can be used of someone who pays the expenses of an initiation. But, as Makkink (page 10) points out, And. must have done something else besides pay a bill, for in **132** he is listing actions to which objection might have been made on religious grounds; he must have taken some part in the ceremony of initiation. Can *μνεῖν* mean 'introduce into the initiation ceremony'? D. 59. 21 appears to show that it cannot, for there Nikarete, who takes the candidate Neaira to the ceremony, is carefully distinguished from Lysias, of whom the verb *μνεῖν* is used. (Or is it possible that Nikarete merely brought Neaira to the temple door, and Lysias then introduced her to the priest who performed the ceremony?) If *μνεῖν* does not mean 'introduce for initiation', the only other possible meaning is 'initiate', with a priest as the subject. This would be virtually proof of the statement in *Life of And.* 1 that And. belonged to the family of the Kerykes. But if And. had really been conducting religious ceremonies as a priest, we should surely hear more of this remarkable fact (e.g. at *Ag. And.* 4); and I think Makkink is right to shrink from this conclusion. (Cf. P. Roussel in *Bulletin de Correspondance Hellénique* liv (1930) 53-55.)

Ἀ . . . Δελφόν: Bekker's reading assumes that we have lost all but the first letter of the name of a Delphian. And. had no brothers (**148**).

λητουργεῖν . . .: 'they kept proposing me for public service, first as . . .'. *λητουργαῖοι* were the Athenian substitute for surtax; wealthy citizens were appointed to provide some public work or service at their own expense. Strenuous efforts by Kallias and others to get And. appointed would therefore not be a mark of friendship and goodwill. And.'s argument is that it is sacrilegious for a man guilty of impiety to hold any appointment connected with a religious festival; so the proposal of And. by Kallias and his friends for services at religious

festivals shows that, though they may have disliked him, they did not believe him guilty of impiety.

γυμνασίαρχον: The task of a gymnasiarch was to prepare the runners for the torch-race at the Prometheia, the great Panathenaia, or the Hephaistia. In Lys. 21. 3 the speaker claims to have spent 12 minas as gymnasiarch at the Prometheia.

Ἡφαίστιοις: The festival of Hephaistos was held each year in Pyanopsion (approximately October). Regulations for it are laid down by IG 1² 84, a decree of 421/0.

ἀρχιθέων: This official was the leader of the Athenian representatives at one of the Panhellenic festivals. The Isthmian games were held in alternate years, the Olympic games every fourth year. The only celebration of the Olympic games between autumn 403 and autumn 400 was in summer 400. And. can hardly have been in Athens early enough to be appointed gymnasiarch for the Hephaistia of 403; so, if *ἔπειτα* means 'afterwards' and not just 'secondly', And.'s tenure of office at the Isthmian games cannot have been in 402 and so must have been in 400. He was thus probably gymnasiarch in 402 or 401 and architheoros at both the Isthmian and the Olympic games in 400.

εἶτα δέ: 'and also', not 'afterwards', since And.'s treasurership was in 402/1 or 401/0; see Appendix J.

ταμίας ἦν: On the treasurers, see note on 77. Emendation is necessary because the treasurers were chosen by lot (*Ath. Pol.* 8. 1) and their office was not a *λητουργία*; *ταμίαν* therefore cannot be an object of *λητουργεῖν* *προϋβάλλοντο*. I suggest that *ἦν* dropped out before *έν*, and that *ταμίας*, left without a verb, was then assimilated to the preceding accusatives.

έν πόλει: 'on the akropolis'. With *πόλις* in this sense the article is often omitted (e.g. Th. 5. 23. 5, Ar. *Knights* 1093), but not always (cf. X. *An.* 7. 1. 27).

133. **ταῦτα γιγνώσκουσιν:** 'hold this opinion'.

Ἀγύρριος was now approaching the climax of his career as a democratic politician. He is first heard of in association with Archinos, when they cut down the payment made to comic dramatists, at some time before 405 (Ar. *Frogs* 367 with schol.). In the 390s he was the leading advocate of the policy of wholesale distribution of money to the citizens; it was he who began the distribution of theoric money (Harp. *θεωρικά*), presumably at some date before the amount was fixed at one drachma in 395/4 (Zenob. 3. 27), and it was he who introduced a payment of one obol for attendance at the assembly, and afterwards (not later than 392; see Ar. *Ekk.* 292, 308, 380, 392) raised the amount from two obols to three obols (*Ath. Pol.* 41. 3). His only military action seems to have been his command of a fleet in

succession to Thrasyboulos in 388 (X. *Hel.* 4. 8. 31; his visit to Lesbos (schol. on Ar. *Ekk.* 102) presumably belongs to the same occasion). At some time he was convicted of possessing money belonging to the state (D. 24. 135), but the details are obscure, and the statement that he was imprisoned for many years is suspicious. His appearance was effeminate, and in Ar. *Ekk.* 102 a big beard is the only thing that makes him look like a man; yet in the same passage Aristophanes admits that he *πράττει τὰ μέγιστ' ἐν τῇ πόλει*, and after his death Demosthenes (24. 134) praises him as *ἄνδρα χρηστὸν καὶ δημοτικὸν καὶ περὶ τὸ πλῆθος τὸ ὑμέτερον πολλὰ σπουδάσαντα*.

ἀρχώνης: see note on 73 *ἄνδρας*.

τῆς πεντηκοστῆς: 'The two per-cent' was a tax on imports and exports. (However, D. M. Lewis, in *Hesperia* xxviii (1959) 244, has suggested that the tax on imports was not the only tax known as *πεντηκοστή*.)

τρίτον ἔτος: 'two years ago', i.e. probably in 402 (see Appendix J). We might expect the insertion of a word meaning 'this' or 'now' (cf. Pl. *Rep.* 615c *ἥδη χιλιοστὸν ἔτος*, Lys. 24. 6 *τρίτον ἔτος τουτί*); but it seems that this is often omitted with *τρίτον ἔτος* (D. 33. 23, Pherekrates 182).

μετέσχον: contributed to the purchase-price and shared the profits. Cf. Lyk. 58 *τῆς πεντηκοστῆς μετέχων*.

οἱ παρασυλλεγόντες: This compound seems to occur only here. Probably it means just 'assembled with him'. Marchant suggests 'who wrongfully assembled', i.e. 'formed a ring', but I doubt whether *παρα-* can mean so much.

ὑπὸ τὴν λεύκην: 'under the poplar'. This was presumably a well-known spot, but it is not mentioned anywhere but here. The context shows that it was a place where Agyrrhios and his friends used to foregather, not the place where the auction was held (as LSJ *λεύκη* II 2 seem to think); this is well explained by Calhoun 44 note 1.

μὴ ὑπερβάλλουσι λαβεῖν ἀργύριον: 'to be paid for not outbidding (Agyrrhios)'. For this sense of *ὑπερβάλλω*, cf. 134, Lys. 22. 8.

ὀλίγου πραθείσης μετασχεῖν: 'to get shares in the tax-collecting privilege when it had been sold at a low price' and so would be very profitable. If all the purchasers attending an auction agree to form a 'ring' and not bid against one another, they can make their purchase at a price lower than the true market-value.

134. 'They made a profit of three talents, and when they realized what the business was like, how valuable it was, they all combined, gave shares to the other bidders, and tried to buy it again (i.e. the next year) for thirty talents. Since no one was competing with them, I myself went to the council and kept outbidding them, until I bought

it for thirty-six talents. After ousting them, I provided sureties for you, collected the money, and paid it over to the state, and I myself did not lose by it, but my partners and I actually managed to make a small profit, and I prevented my opponents from distributing among themselves six talents of your money.'

κερδάναντες: The sufferings of this sentence from the mutilations of editors have been exceptionally severe; I have not found it necessary to admit any emendations at all. Blass wrote κερδήναντες, but cf. S. Tr. 191, X. *Apol.* 9.

τρία was changed to ἑξ by Reiske, followed by others, who thought that in the first year in which they bought the tax-collecting right the purchasers paid 30 talents and collected 36. Both assumptions are dubious.

1. ἐωνοῦντο πάλιν τριάκοντα ταλάντων refers to the price they at first offered in the second year. πάλιν goes with ἐωνοῦντο, since adverbs modify verbs, not nouns; and the words mean not 'they tried to buy it at the same price of 30 talents' but 'they again tried to buy it, at a price of 30 talents'. It is not unlikely that in the second year the members of the ring would have their system better organized, and so would hope to make their purchase at a lower price than the year before. The imperfect ὑπερέβαλλον (which implies that And. made more than one overbid, and therefore that the ring made more than one bid) shows that the ring was prepared if necessary to go higher than 30 talents; this perhaps suggests that in the previous year it had in fact paid more than 30 and had still been able to make a profit of 3 talents.

2. In the second year And. was willing to pay 36 talents, and the ring was unwilling to pay more than 36, presumably because it was expected that the amount collected in the coming year would be a little more than 36 (as indeed it was: βραχέα ἀπεκερδαίνομεν). The expectation that more than 36 would be collected in the coming year is not evidence that exactly 36 had been collected in the previous year. As Makkink suggests, trade in 402/1 may still have been suffering from the adverse effects of the war, and everyone may have expected that more money would be collected in 401/0 than in 402/1.

So in the first year the ring may have paid more than 30 talents and may have collected less than 36. And for a vindication of τρία only one of these two possibilities needs to be admitted.

ὥς πολλοῦ ἄξιον was condemned by Sluiter as a gloss on οἶον. It is of course true that ὥς πολλοῦ ἄξιον serves no purpose but to explain οἶον, but why should the explanation not have been inserted by And. himself? οἶον alone in this context is ambiguous, since it could mean either 'how profitable' or 'how unscrupulous'. It is natural that the listener or reader should think first of the meaning 'how unscrupulous', because that was the meaning of οἶοι in the preceding sentence. And.,

I suggest, wrote *οἶον* meaning 'how profitable', and then realizing the ambiguity added *ὡς πολλοῦ ἄξιον* to clarify *οἶον*: 'realizing what the business was like, how profitable it was'. To omit *ὡς πολλοῦ ἄξιον* gives a sentence obscure but not clumsy; to include it gives a sentence clumsy but not obscure. I have little doubt that And. preferred the second of these alternatives. Cf. Pl. *Ap.* 21a ἵστε δὴ οἶος ἦν Χαιρεφῶν, ὡς σφοδρὸς ἐφ' ὃ τι ὀρήσειεν.

τοῖς ἄλλοις was changed by Bake to ἀλλήλοις, but defended by Rostowzew in *Philologus* sup. vol. ix (1904) 347 note 25.

τὴν βουλήν: Taxes were auctioned by the ten *πωληταί* in the presence of the council (*Ath. Pol.* 47. 2).

ἐγγυητὰς: see note on 73 ὠνάς.

135. ἔδοσαν σφίσιν αὐτοῖς λόγον: 'deliberated', 'reasoned'; cf. Hdt. 1. 97. 2, S. *OT* 583, D. 45. 7.

τῶν κοινῶν χρημάτων: partitive genitive.

εἰσάξει εἰς τὸ πλῆθος: i.e. prosecute; 136 εἰς ὑμᾶς εἰσαγαγὼν has the same meaning. *πλῆθος* refers sometimes (e.g. 136, 150) to the whole Athenian people, sometimes (so here, and also Ant. 5. 8, 78, 80) to a court consisting of the people's representatives. Cf. the similar use of *ὑμεῖς* (see note on 7 ἔαλωσαν παρ' ὑμῖν).

136. ὡς γὰρ πλείους . . . : 'For I should wish you to have as many men like me as possible, and that my opponents should, for preference, be eradicated, or, failing that, that you should have some men who will not countenance their activities. These should be men who are of good character and treat the people fairly, and if they wish they will be able to do you good.' This sentence is clumsily constructed, for twice And. attempts to produce parallel clauses but fails to make them parallel. *τούτους* is put in front of *μάλιστα μὲν* as though it were to be given a second infinitive, but instead the infinitive *εἶναι* has a different subject, *τοὺς μὴ ἐπιτρέποντας*. Then *οἷς* precedes *καὶ προσήκει* as though it were to be taken also with a second verb, but instead the second *καί*-clause contains the verb *δυνήσονται*, which requires not a dative but a nominative.

τοὺς ἀδικοῦντας αὐτῶν: 'those of them who are committing offences'. Forming a ring at an auction was not in itself illegal.

137-9. Refutation of the prosecution's argument about And.'s sea-voyages (*Ag. And.* 19).

137. ὡς ἄρα: see note on 4.

ὡς ἔοικεν: 'apparently'. This helps to give the impression that And. finds the statements of the prosecution almost incomprehensible.

ἀξιώ: 'believe', as in E. *Her.* 1343.

εἴτα following a participle marks a contrast or inconsistency: 'in spite of that'. Cf. 139.

138. ἀξιοθῆναι: ἀξιῶ means 'think worthy'. A natural consequence of thinking a person worthy of something is to give it to him, and so in a few instances ἀξιῶ comes to mean 'give' or 'inflict'. A transitional instance is Ant. 3b. 10 οὐδὲ δίκαιοι τοιούτων κακῶν ἀξιουσθαί ἐσμεν, 'and we do not deserve to be thought worthy of (i.e. to be given) such harsh treatment'. In D. 18. 166 ἔτοιμός εἰμι ποιείσθαι τὰς ἀνοχάς, ἃν περ τοὺς οὐκ ὀρθῶς συμβουλευόντας ὑμῖν παραπέμφαντες τῆς προσηκούσης ἀτιμίας ἀξιώσητε, the last two words must mean 'inflict disfranchisement', not just 'be of the opinion that they deserve disfranchisement'. So here we must translate 'bring it about that my body was not even given burial'.

τὰ ὄντα: 'their possessions'.

ἐκπεσόντες: 'shipwrecked'.

αἰκισθέντες, so soon after αἰκίας, is a little surprising. But the insertion of σφέτερα αὐτῶν, which is here quite superfluous for any purpose except emphasis, shows that the stress is on σώματα: 'yes, *actually* their *bodies* were maltreated'.

139. εἴτα begins the main clause, after the participles and clauses dependent on them. See note on 137.

οὐκ ὢν: Presumably And. means that, if the amnesty is invalid, as Kephisios maintains, his actions described in 92 make him liable to lose his citizen-rights. If so, this is an exceptionally silly remark, since And. to defend himself has all along been maintaining that the amnesty is valid. But perhaps most of the jury could not think quickly enough to work this out while And. was speaking.

οὐδ': not even men, much less gods.

τῶν καθημένων: 'the judges'; cf. Th. 5. 85.

μὲν οὖν: 'No, . . .'. Cf. Denniston 475-9; our passage refutes his statement (479) that Demosthenes alone of the orators uses corrective μὲν οὖν.

τοιούτους: legal.

ἄλλων was changed by Hertlein to ἀνθρώπων. Since ἄλλων is the most natural contrast to ἐαυτῶν, and since And. might reasonably expect his listeners and readers to know for themselves that persons 'other' than gods are men, Hertlein's suggestion may be taken as a model instance of superfluous emendation, and its acceptance by almost all recent editors is amazing.

140-50. Peroration. Further claims that Athens will gain by And.'s acquittal (140, 144-5, 149-50) and that And. should be acquitted because of the services of his ancestors (141-3, 146-8).

140. ἤδη δοκεῖ: i.e. seemed in the past and still seems now. The repetition of ἤδη from the first half of the sentence helps to link the two halves together: 'before now . . . yet before now . . .'.

παρά πάντων ὁμολογουμένως: 'as is agreed by everyone'. I have found no exact parallel, but in Isok. 4. 33 Jerome Wolf's conjecture ὑπὸ πάντων ὁμολογουμένως is commonly accepted.

141. προγόνων: On the achievements of And.'s ancestors, see Introduction I.

τῶν ἐξ ἐκείνων: 'of their descendants'. K. Jost *Das Beispiel und Vorbild der Vorfahren* 36 with nice irony remarks on the foresight of And.'s ancestors in acting patriotically in order to save their degenerate descendant. The defendant in Lys. 16. 17, by contrast, is able to point to his own services in battle, not merely to his ancestors'.

142. καὶ γὰρ τῇ πόλει: καὶ marks a comparison. The exploits of And.'s ancestors ought to be remembered in his favour, just as the exploits of the ancestors of all the Athenians were remembered in their favour in 404.

ἐπειδὴ γὰρ αἱ νῆες διεφθάρησαν: cf. 73.

ὅμως τότε ἐχθροὶ ὄντες: 'even though they were enemies at that time, still . . .'. For the Spartan decision to spare Athens in 404, against the wishes of Corinth and Thebes, see X. *Hel.* 2. 2. 19-20, And. 3. 21.

ὑπῆρξαν: 'initiated', by the battle of Marathon.

143. δημοσίᾳ: the city 'as a whole'. ἰδίᾳ is similarly used almost as if it were an adjective in 145.

144. διὰ τὰς τῆς πόλεως συμφορὰς: To what misfortunes of Athens And. attributes his poverty is not clear. Possibly he means that his property was confiscated as a result of the events of 415, even though he himself (as he claims) had committed no offence.

καινὸν βίον . . . : 'I made myself a new livelihood by honest means, with my own wits and my own hands.'

The ms.'s καὶ is unacceptable. And. is listing his own virtues (οἶον ἔξετε πολίτην). καὶ would mean 'also', and would make And.'s loss of his wealth and his earning of his living later into two separate virtues. But his loss of his wealth in itself is not a virtue. The two events must be taken together: 'though I lost my wealth (through no fault of my own), I was able to earn an honest living'. καὶ must therefore be emended, and καινὸν is the likeliest correction.

ἡργασάμην: not εἰργ-; see note on 108 κατηργάσαντο.

εἰδότα μὲν . . . : These participles qualify πολίτην at the beginning of the sentence.

ἐν τῇ τῶν πλησίον: 'in the lands of neighbouring peoples'.

145. τὸ ἁμαρτόντα πράξει κακῶς: 'to suffer for one's mistakes'. This is the only place in this speech where And. admits having done anything wrong.

πολλοῖς συγγενόμενος: It seems to me certain that some words have been lost. Those who think that the text is sound must assume that And. at this point forgot that grammatically his participles ought to be accusative, qualifying πολίτην at the beginning of the sentence. But I find it impossible to believe that And. remembered this all the way from ἔξετε πολίτην down to the second ἐπιστάμενον, and then forgot it in the short space between the second ἐπιστάμενον and συγγενόμενος.

One of the missing words must be a 1st singular verb, to account for the nominative participles, and another must be some kind of connective. Something like πολλὰ γὰρ καὶ παντοῖα πέπονθα would be suitable, and the beginning πολλ- would account for the omission; but the exact words are irrecoverable.

For the places And. visited during his exile, see Introduction I.

ἀφ' ὧν is neuter: 'from these experiences'.

ὧν is probably feminine.

ἔστιν: 'it is possible'. The emendation ἔσται is unnecessary, since the possibility is already present; cf. 109 ὑπάρχει.

ἐν καιρῷ τι ὑμῖν γίγνηται: 'you have an opportunity', 'it is convenient'.

146. δὲ καὶ: 'and in fact'. (Denniston 305.)

ἔστιν, οἵχεται: The present is more vivid than the future, suggesting that the destruction is already practically complete.

πρόρριζον: cf. S. *El.* 765 τὸ πᾶν πρόρριζον ἔφθαρται γένος. πρόρριζος is almost exclusively a tragic word. (Hdt. 1. 32. 9 and Ar. *Frogs* 587 are both, in their different ways, pseudo-tragic.)

For the family to become extinct would be a misfortune not only to Athens but also, in the usual Greek view, to the dead members of the family itself. Cf. Is. 2. 46 οὗτος . . . ἄπαυδα δὲ τὸν τελευτήσαντα καὶ ἀνώνυμον βούλεται καταστήσαι, ἵνα μήτε τὰ ἱερὰ τὰ πατρῶα ὑπὲρ ἐκείνου μηδεὶς τιμᾷ μήτ' ἐναγίξῃ αὐτῷ καθ' ἕκαστον ἐνιαυτόν, ἀλλὰ ἀφαιρήται τὰς τιμὰς τὰς ἐκείνου: D. 43. 83 νομίζετε δὴ τὸν παῖδα τοῦτον, ὧ ἄνδρες δικασταί, ἱκετηρίαν ὑμῖν προκεῖσθαι ὑπὲρ τῶν τετελευτηκότων . . . καὶ ἱκετεύειν αὐτοὺς ὑμᾶς τοὺς δικαστάς, ὅπως μὴ ἐξερημωθῇσεται αὐτῶν ὁ οἶκος . . . (84) . . . καὶ τῶν τετελευτηκότων ἐπιμελείσθε, ὅπως μὴ ἐξερημωθῇ αὐτῶν ὁ οἶκος.

οἶκία can mean 'house' in either of the senses 'dwelling-place' and 'family', and in this passage And. uses it in both senses without taking any trouble to distinguish between them.

Κλεοφών: From 410 onwards Kleophon was the Athenians' leading democrat and advocate of war with Sparta. In 405 he persuaded the Athenians to reject Sparta's peace-terms, but soon afterwards, when the siege of Athens began, his war-policy became unpopular, and he was condemned and executed on a charge of evading military service, trumped up by the oligarchs (Lys. 30. 10-13).

147. πλείστας μὲν . . .: The only offices known to have been held by And.'s ancestors are those mentioned in Introduction I.

τρόπαια τῶν πολεμίων: 'memorials of defeats of your enemies'. For the objective genitive, cf. E. *Andr.* 694, X. *An.* 7. 6. 36, Lys. 2. 25.

ἀπέδειξαν: 'produced', i.e. caused to be erected.

χρήματα διαχειρίσαντες: holding financial offices.

ἀρχαιοτάτη is evidently intended as a term of praise, but in what precise sense is not immediately obvious, partly because it is not obvious whether *οικία* here refers to the building or to the family inhabiting it. And. probably does not mean that the building is an architectural gem deserving to be scheduled as an Ancient Monument, but rather that the family has survived so long because it has been exceptionally free from troubles and attacks in the past. This gives us a chiasmic arrangement of ideas, for *οικία ἀρχαιοτάτη* will then be similar in meaning to *οὔτε ὑμῖν εἰς ἡμᾶς ἡμάρτηται*, while *κοινοτάτη . . .* corresponds to *οὔτε ἡμῖν εἰς ὑμᾶς*: 'we have never harmed you, and you have never harmed us; on the contrary, you have always been good to us, and we have always been good to you'.

κοινοτάτη τῷ δεομένῳ: 'most open to (i.e. ready to receive) anyone in need'. Cf. And. 3. 19 *τὴν θάλατταν κοινὴν ἔωντες τοῖς ἡττημένοις*.

οὐδ' ἔστιν ὅπου . . . invites the retort that in this respect And. has fallen below the high standard of his ancestors.

148. εἰ introduces an admitted fact, not a condition but a concession: 'although', 'just because'. Cf. D. 43. 60 *εἰ Θεόπρεπος τετελεύτησεν, οἱ νόμοι οὐ τετελευτήκασιν*.

αἰτουμένων ἐμέ παρ' ὑμῶν σῶσαι: 'asking you for me, to save me'. It is normal for *αἰτῶ* to have either an accusative or an infinitive to express the object requested. Here, exceptionally and clumsily, it has both.

τίνα καὶ ἀναβιβάζσομαι: 'Whom *can* I bring forward?' *καὶ* implies that the answer is 'no one'; see Denniston 314 (whose examples show that the future indicative need not be emended).

ἀλλὰ . . . ἀλλὰ . . .: And. speaks as though arguing with himself, offering and rejecting one suggestion after another ('hypophora'). See Denniston 10-11, and besides the examples cited there cf. And. 3. 14-15, Lys. 10. 23, 24. 24-25.

149. ἀντὶ πατρός . . . : This idea may have been suggested by *Iliad* 6. 429-30.

μὴ βούλεσθε . . . ἀπόλλυτε: μὴ negatives the combination of both imperatives: 'if you are willing to enfranchise Thessalians . . . you should not also put to death acknowledged citizens . . . '.

Θετταλοὺς καὶ Ἀνδρίου: In 451/0 a law of Perikles confined Athenian citizenship to men whose parents were both of citizen-status, thus excluding any man who was the son of an Athenian father and a foreign mother. But towards the end of the fifth century a shortage of citizens began to be felt, partly because of casualties in the Peloponnesian War (especially in the Sicilian expedition), and partly because supporters of oligarchy were disfranchised (cf. 73 ff.). The following moves were therefore made to extend the citizenship.

1. Individual non-citizens who performed some distinguished service for Athens were rewarded with citizenship (And. 2. 23).

2. In 406, to produce a fleet large enough to relieve the siege of Mytilene, citizenship was offered to metics who were willing to serve as sailors (Diod. 13. 97. 1).

3. In 405 the decree of Patrokleides (77-79) restored the citizenship to most of those who had been disfranchised.

4. In the same year Athenian citizenship was granted to the Samians as a reward for their loyalty after Aigospotamoi (*IG* i² 126, ii² 1 = Tod 96).

5. In 403 Thrasyboulos proposed that citizenship be given to all, including slaves, who had fought with him for the democracy in 404/3; but Archinos got this proposal rejected as being unconstitutional (*Ath. Pol.* 40. 2, Ais. 3. 195, *P.Oxy.* xv 142 (no. 1800 frs. 6 and 7)).

6. In 401/0 a decree proposed by Archinos gave citizenship to metics who had fought for the democracy with Thrasyboulos in the earlier stages of his campaign (before his occupation of Peiraeus) (*IG* ii² 10 = Tod 100).

7. The decree of Nikomenes limited the application of Perikles's law to those born after the archonship of Eukleides (403/2), so that anyone born before that date of an Athenian father and a foreign mother now became a citizen (schol. on Ais. 1. 39).

Whether And. has any individual cases in mind when he singles out Thessalians and Andrians for special mention, I do not know.

οἷς προσήκει . . . δυνήσονται: repeated almost word for word from 136. But this time the phrase εἰ ποιεῖν ὑμᾶς is omitted, so that with δυνήσονται we must understand instead ἄνδρες ἀγαθοὶ εἶναι.

τούτους δὲ sums up τοὺς δὲ ὄντας . . . δυνήσονται. For the repetition of δέ, see Denniston 184-5, and cf. 12 τούτους μὲν.

ἀποστερεῖσθε is a vivid present; cf. 146 ἔστιν, οἷχεται. (LSJ call it

future, but the future would be ἀποστερήσεσθε or ἀποστερηθήσεσθε. A. Pr. 862 στερεῖ (active) is not good evidence for ἀποστερεῖσθε as a future passive in Attic prose.)

150. τῶν ἀπ' ἐμοῦ ἐλπιδῶν: 'of what you hope to receive from me'.
τῶν εἰς ὑμᾶς: 'of my hopes in you'.

Ἄνυτε: Anytos, son of Anthemion, was, like Kleon, a tanner by trade (schol. on Pl. *Ap.* 18b; cf. X. *Apol.* 29), but had by now become a leading politician. In 410/09 he was a general and was sent with 30 ships to relieve Pylos. He was prevented from doing so, as he claimed, by a storm, but when accused of treachery he escaped conviction only by a system of wholesale bribery which he was the first to use (*Ath. Pol.* 27. 5, Diod. 13. 64. 6). In 404 he at first supported Theramenes (*Ath. Pol.* 34. 3), but soon afterwards went into exile and with Thrasyboulos was one of the leaders of the democratic counter-revolution (X. *Hel.* 2. 3. 42-44, Lys. 13. 78), and therefore one of the most powerful men in Athens from 403 onwards (Isok. 18. 23). He had been associated with Alkibiades (Plu. *Alk.* 4. 4-6), and this perhaps explains why he now came forward to defend And.

In 399 he led the attack on Sokrates. What happened to him after that is not clear. According to D.L. 2. 43 and Them. *Or.* 20. 239c, he was sent into exile by the Athenians when they were overcome by remorse at Sokrates's execution, and went to Herakleia. It has been suggested that this exile is an invention of later centuries, on the grounds that Anytos appears to have been in Athens in 396/5 (*Hell. Oxy.* 1. 2), that he held the office of σιτοφύλαξ in 388/7 (Lys. 22. 8), and that if he had ever been exiled this fact could not have gone unmentioned in X. *Apol.* 30-31. However, it is possible that he was exiled at a date later than 396/5; there is no proof that the Anytos of Lys. 22. 8 is the politician, and an argument from the silence of Xenophon is precarious.

Κέφαλε: see note on 115.

συνδικεῖν: 'to be my advocates'. D. 23. 206 complains that obviously guilty men are often acquitted because of the entreaties of advocates selected from their fellow tribesmen.

APPENDIX A

Was Andokides Guilty of Profanation of the Mysteries in 415?

THE speech *On the Mysteries* is not the work of an impartial historian but of a man whose life is at stake. Its object is not to give an accurate record of the facts but to convince a jury that the speaker is innocent. Consequently, one who seeks to know the truth cannot accept without question any statement in it which concerns the speaker's innocence or guilt. It is common for accused men to deny vehemently that they are guilty; that does not prove that they are not guilty. Of course And. declares several times that he is innocent of profanation of the Mysteries. But these statements are of no value in themselves.

Jebb's *Attic Orators from Antiphon to Isaeus* is in many ways an admirable work, and has deservedly had great influence, at least among English-speaking readers of the orators. I do not wish to disparage it; but the two sentences in which Jebb deals with the question 'Was And. guilty of profanation of the Mysteries?' have a good claim to be called the most unintelligent sentences in the whole book, and their influence in lulling the suspicions of later readers of And. has, I believe, been wholly bad. They are these: 'There is nothing to show that he was in any way concerned, as accomplice or as informer, with the profanation of the Mysteries. As a matter of course, the author of the speech against him asserts it; but his own denial is emphatic and clear, and agrees with what is known from other sources' (*AOi* 72). 'Emphatic and clear'! If judges and juries acquitted all criminals whose denials were emphatic and clear, few convictions would ever be made. And the statement that And.'s denial 'agrees with what is known from other sources' is simply false. Apart from *Ag. And.*, there are only two other sources which say anything at all about And.'s guilt in the profanation of the Mysteries in 415 (as distinct from the mutilation of the Hermai): the *Life of And.* and *Tzetzes Historia* 49. Both of these state that, at least as an informer, he was guilty.

But it would be rash to accept statements of the *Life of And.* and *Tzetzes* as indubitable truth. What other way have we of discovering the facts?

It is a pity that Kephisios's speech for the prosecution has not been preserved. In it he must have explained to the jury what he believed

had happened in 415, and he must have given some evidence and called some witnesses in support of his version. But we do not know what his evidence was; and the author of the only speech for the prosecution which has been preserved does not quote any evidence on this subject, since he takes it for granted that And.'s guilt has already been proved.

We are therefore driven back to that part of And.'s own speech which deals with the profanation, 11-33. In considering this, we must remember that certain features of it are inadmissible as evidence. We must ignore bare statements that And. is innocent. We must ignore claims that he has proved his case (e.g. 29 ἀποδέδεικται μοι . . .). We must ignore the statement that the facts are so well known to the jury that And., if he were guilty, could not deny his guilt (30); for if this had been true he would not have needed to give the jury a detailed account of the events (11-18). We must concentrate on the evidence which he produces. He is a skilful speaker and arguer, and we can safely assume that he makes the best of his case. If we find that his evidence and arguments are insufficient to prove him innocent, we may be virtually certain that he was guilty.

He wishes to prove his innocence in three respects: (a) that he did not, in the case of the Mysteries, commit impiety himself, (b) that he did not give information that anyone else (Leogoras in particular) had done so, (c) that he did not confess having done so (10 οὐτ' ἐμοὶ ἡσέβηται οὐδὲν οὔτε μεμήνυται οὔθ' ὡμολόγηται). What evidence does he produce to support these three claims?

(a) To prove that he was not guilty of impiety himself, it was necessary to provide evidence that he was not present on any one of the various occasions when the Mysteries were parodied.

He quotes, apparently, official lists of those denounced by Andromachos (13) and Teukros (15), and his list of persons denounced by Agariste (16) may possibly also be complete (though in this case he quotes no document as evidence). Yet he gives no complete list of persons denounced by Lydos. Why not? If the lists of Andromachos and Teukros were preserved and available in 400, it seems unlikely that Lydos's list was not. But even if Lydos's list was not preserved (possibly because Lydos did not receive a reward for information, as Andromachos and Teukros did (28)), it was still necessary for And. to show that he himself was not among those denounced by Lydos. In fact he does not show this. Philippos and Alexippos, called to give evidence in 18, were merely relatives of two persons denounced, and it is not likely that they were able, fifteen years after the event, to give a complete list of those denounced by Lydos. In 25-26 And. invites certain persons, who had been denounced in the Mysteries affair, to

refute him if they can. Yet he does not call them as witnesses in his favour. So presumably they were not in a position to state positively that he had not been denounced by Lydos, for if they had been he would have called them. (They were presumably persons denounced by Andromachos or Teukros, who left Athens before Lydos's denunciation was made; the reason why And. did not call them as witnesses was that he had already quoted official lists of persons denounced by these two, and so did not need witnesses as well.) In 23 he issues a challenge which perhaps proves that no written denunciation containing his name still survived in 400 (notice the present tense *ἔστιν*). But did Lydos's list of names survive? And. cannot have it both ways. If Lydos's list was available, he should have quoted it to show that his own name was not on it; if it was not available, then proof is lacking that his name had not been on it. I conclude that, as far as And.'s evidence goes, Lydos may well have denounced him.

Plu. *Alk.* 22. 4 quotes the charge brought by Thessalos against Alkibiades. It states that the Mysteries were profaned in the house of Alkibiades, the three leading parts being played by Alkibiades, Poulytion, and Theodoros. This differs from the accounts of Andromachos, who reported a profanation in Poulytion's house, with Alkibiades, Nikides, and Meletos in the leading parts (12), of Teukros, who did not denounce any of the three named by Thessalos (15), and of Agariste (16) and Lydos (17), who both referred to other houses. Plutarch is evidently quoting a document, and it is not plausible to say that he has got the names wrong; he must be referring to another occasion, not mentioned by And., but important enough to be selected by Thessalos, in preference to the profanations described by Andromachos and Agariste, as the main ground of his charge against Alkibiades. Why does And. suppress this profanation? Presumably because he himself was implicated in it. (The manner in which he was implicated is considered in Appendix D.)

And. thus quite fails to show that he was not present on two of the occasions when the Mysteries were profaned.

(b) And. says that Leogoras was denounced not by And. himself but by Lydos. I am doubtful whether a statement that Leogoras was asleep with his face covered (17 *καθεύδειν δὲ ἐγκεκαλυμμένον*) during the mock Mysteries would really count as a denunciation; but even if it did, that is no proof that Leogoras was not denounced by And. as well. Alkibiades was denounced by several different persons: by Andromachos (12-13), by Agariste (16), and presumably also by the person who revealed the profanation mentioned in Thessalos's charge (Plu. *Alk.* 22. 4). Leogoras may equally well have been denounced more than once.

But And. argues (20-22) that, if he had denounced Leogoras, either Leogoras would have been executed for impiety, or And. himself would have been executed for giving false information; for Leogoras must have been either proved guilty or proved innocent. This argument at first sight seems impeccably logical and convincing; yet on closer examination one may see a fallacy lurking within it. What if Leogoras was never brought to trial? What if he succeeded in finding a technical loophole, and showed that his prosecutors had committed a procedural fault, so that they were able to proceed no further? (There have been plenty of cases in modern times in which persons almost certainly guilty have failed to be convicted because of some technical impropriety in the conduct of the prosecution.) And. himself tells us (17) that Leogoras prosecuted Speusippos for illegal action, and won his case. We have no means of knowing precisely what was the illegal action of which Speusippos was guilty; it may have been some procedural slip in the action mentioned in And.'s previous sentence (*βουλεύων παραδίδωσιν αὐτοὺς τῷ δικαστηρίῳ*). But merely to prosecute someone for impiety was not illegal, even if that person was innocent. So when Leogoras won his case against Speusippos, that did not show that Speusippos was wrong to accuse Leogoras of impiety, but only that he went about it in the wrong way. Whatever it was that Leogoras proved against him, it was evidently enough to prevent him from proceeding any further, since Leogoras was never himself tried. (We may conclude that he was never tried, because if he had been convicted he would have been executed, and if he had been acquitted And. would have said so.)

I conclude that Leogoras was never proved innocent of impiety, and that, since a person who secured immunity by giving information would not forfeit the immunity unless his information was shown to be false, And. has failed to disprove the allegation that he secured immunity by informing against Leogoras. (The fact, if it is a fact, that no written copy of this denunciation was extant in 400 (23) is not proof that it was never made; it is not clear either that denunciations were always put in writing (notice the absence of the word *ἀπογράφει* in 16) or that written denunciations were always preserved indefinitely.)

(c) And. produces no evidence to show that he never confessed that he was guilty. (On the contrary, in his speech *On his Return* his language implies that he admitted his guilt. Notice especially 2. 6 *ἑξαμαρτεῖν*, 2. 7 *ἀνοία*, *συμφορὰν τῶν φρενῶν*, 2. 8 *πολλοσὸν μέρος τῆς αἰτίας*, 2. 10 *παρανοία*, and 2. 15 *ὄνειδη*. However, it is not clear from that speech whether the guilt he admitted was in the profanation of the Mysteries or in the mutilation of the Hermai.)

And., then, has failed to show that the sequence of events was not this: he took part in one or more of the profanations of the Mysteries; information was given against him, perhaps by Lydos and perhaps also by the informer (whoever he was) who revealed the profanation mentioned in Thessalos's charge; to secure immunity he confessed his guilt and informed against Leogoras (and possibly others); Speusippos attempted to bring Leogoras (and others) to trial; Leogoras, encouraged and helped in private by his released and therefore repentant son, prevented the trial by a successful counter-prosecution of Speusippos; as a result both Leogoras and And. avoided execution, but And. had made himself so unpopular that 'I thought it pleasant . . . to live where I would least be seen by you' (2. 10).

So it is not necessary to disbelieve the description of And.'s profanation of the Mysteries given in *Ag. And.* 51, or the statements in *Ag. And.* 23-24 that And. secured immunity by denouncing relatives and friends and in *Life of And.* 6-7 that he denounced his father for profaning the Mysteries and afterwards rescued him.

APPENDIX B

Tzetzes Historia 49

(= *Chiliades* 6. 367-75)

ΠΕΡΙ ΑΝΔΟΚΙΔΟΥ ΤΟΥ ΡΗΤΟΡΟΣ, ΟΥ ΜΕΜΝΗΤΑΙ
ΛΥΣΙΑΣ Ο ΡΗΤΩΡ ΩΣ ΤΟΝ ΕΑΥΤΟΥ ΠΑΤΕΡΑ
ΜΕΜΗΝΥΚΟΤΟΣ

‘Ο Ἀνδοκίδου ῥήτορος πατήρ ὁ Λεωγόρας,
ὑπ’ Ἀνδοκίδου προδοθεὶς νικήσας τε τῇ δίκῃ,
τοὺς δικαστὰς ἱκέτευσε γυναῖκα σχεῖν εἰς γάμον,
ὅπως δὴ παῖδας ἐξ αὐτῆς γεννήσῃ τῶν γνησίων.
ὁ Ἀνδοκίδης γὰρ θετός ἦν παῖς τῷ Λεωγόρᾳ,
χρήμασιν υἱοποιηθεὶς αὐτῷ δι’ ἀπαιδίαν.
καὶ τὴν αὐτοῦ ἀνεψιὰν ὁ Ἀνδοκίδης οὗτος
πυρῶν πωλεῖ τῷ βασιλεῖ τῷ τότε τῶν Κυπρίων.
τοῦ Ἀριστείδου δὲ ἡ παῖς θυγάτριον ὑπῆρχεν.

This piece, despite its title, shows closer resemblances to the *Life of And.* than to *Ag. And.* Makkink ingeniously suggests that the statement that And. was *θετός* arises from a misunderstanding of *θεμένου* in *Life of And.* 1, and if this is true it shows that at least some parts of the story are directly descended from the *Life* and are thus of no independent value whatever.

Yet there are also some features which can hardly be derived either from the *Life* or from *Ag. And.* Leogoras's request for a wife does not appear in either of them, and *πυρῶν πωλεῖ* appears to be a direct contradiction of *Life* 9 *ἐπεμψε δῶρον*. It thus seems likely that Tzetzes had some other source of information not now extant.

No historian would regard Tzetzes as a reliable authority. Yet this story does suggest that writers of later centuries in general, and not only the author of the *Life*, continued to believe in And.'s denunciation of his father (and also, incidentally, in the export of the daughter of Aristides to Cyprus), and thus that the ancient world did not find And.'s denials in 11-33 convincing.

APPENDIX C

Was Andokides Guilty of Mutilation of the Hermai?

IN the case of the Hermai it is impossible to proceed (as I proceeded in the case of the Mysteries in Appendix A) by arguing 'And. is guilty unless the evidence he produces proves him innocent', because we do not know what evidence he produced. There is no record of what was said by the witnesses called at the end of 69. So my examination of this problem follows a different method. It owes much to Marchant's Appendix on the same subject; however, some of my arguments and conclusions differ from his.

A significant fact which has not, as far as I know, been previously noticed is that none of those who were guilty of mutilation of the Hermai was called as a witness at And.'s trial in 400. This was not because these conspirators were not available in 400. Panaitios, Chairedemos, Diakritos, and Lysistratos had all returned to Athens by then (53), and so presumably could have been called on to appear at the trial. Yet And. did not call them; his witnesses in support of his account of the mutilation were men whose release he had secured, not those whom he had denounced (69). Nor, it seems, did the prosecution call them; for if any of the mutilators had stated at the trial that And. had taken part in the conspiracy, And. could hardly in his speech have ignored such damaging evidence.

So it is probably safe to conclude that none of the conspirators available in Athens in 400 was in a position to state whether And. agreed to take part in the conspiracy or not. And this presumably means that And. expressed his final intentions not at a meeting of all the conspirators but at the private meeting with Euphiletos after which Euphiletos reported to the other conspirators that And. was willing to take part (62). Euphiletos, in short, was probably the only person who knew, at first hand, whether And. said he would take part in the mutilation; and by 400, we may assume, Euphiletos was dead.

How are we to discover what And. said to Euphiletos? There is, I think, no way of discovering with certainty. But we may make a reasonable conjecture. It is not likely that Euphiletos would have wanted the Hermes near the shrine of Phorbas, one of the most prominent Hermai in Athens, to go un mutilated (62); if he had not

thought that And. would mutilate this Hermes, he would have arranged for someone else to do so. And it is even more unlikely that he would have been willing to run the risk that And., if he did not participate in the mutilation, might inform against the mutilators. (Or was And.'s loyalty to his *ἐταῖροι* so strong that he could be counted on not to betray them? No; the remarks of Euphiletos and Meletos, reported by And. himself in 63, imply that they could not rely on his loyalty unquestioningly.) So it seems likely that And. did tell Euphiletos that he would take part in the mutilation, by mutilating the Hermes near the shrine of Phorbas, which was conveniently near his own home.

After giving this undertaking, did And. actually take any part in the mutilation? It is possible that he mutilated other Hermai but for some reason refrained from touching the one near the shrine of Phorbas. But it is not, I think, likely; why should a man sufficiently lacking in religious scruples to mutilate other Hermai feel stronger scruples about this particular one? So probably And. did not mutilate any Hermai at all, either because he felt scruples at the last moment, or because he was too ill to go out. (His injuries (61) may well have been genuine. If he really was ill, that explains why only one Hermes, and that one very near his home, was allotted to him for mutilation. Perhaps Euphiletos demanded that he should mutilate one Hermes, to ensure that he shared the guilt, but in consideration of his illness did not demand any more of him.)

Did And. ever afterwards say that he had taken part in the mutilation? On this problem the evidence is fourfold:

(a) In the speech *On the Mysteries* And. consistently denies that he took part in the mutilation, and that he ever said that he had taken part.

(b) In the speech *On his Return* And. uses language (quoted in Appendix A) which implies that he was guilty of impiety. But he never makes it clear whether he is referring to the Mysteries or the Hermai. And since it seems likely that he was guilty, and admitted guilt, in the case of the Mysteries (see Appendix A), this evidence may all refer to the Mysteries only, and it cannot be used to prove that he admitted guilt in the case of the Hermai.

(c) Thucydides, in his account of the Hermai affair, states (6. 60. 2-4) that 'one of the prisoners' (who must be And.) was persuaded to give information against himself and others, in order to receive immunity.

(d) Plutarch's version (*Alk.* 21. 4-6) is similar, but he adds some extra details; he says, in particular, that it was a man named Timaios who persuaded And. to give information, and that And. included in his denunciation some private servants.

What were Plutarch's sources of information for this paragraph? He certainly used Thucydides (that is shown by *Alk.* 20. 6), but the references to Timaios and the servants are not in Thucydides and must come from some other source. Furthermore, these two references both contradict And.'s own account; for And. says that it was Charmides who persuaded him to give information, and that servants were taken into custody as witnesses (64), not as suspects. Now, there can be no question that And. was in a better position than any other person to know the truth about these matters, and I can see no reason why And. should have wished to lie either about the name of the man who persuaded him to inform or about his statements about servants. I conclude that Plutarch's account is wrong in these two points (that is, either the statements are simply false, or else they refer to some different occasion and Plutarch or his authority has misplaced them; cf. pages 179-80), and that those parts of his account which are derived from his second source, whatever it was, are muddled and unreliable. And if Plutarch's statements in this paragraph appear either to be derived from Thucydides (in which case they have no independent value) or to be muddled and unreliable (in which case we cannot trust them), the correct procedure, I think, is to ignore altogether his statement that And. accused himself in the case of the mutilation of the Hermai.

We are left with the contradiction between (a) and (c). Are we to believe And. or Thucydides? And. undoubtedly knew the truth; but is he telling it? Thucydides undoubtedly writes sincerely; but did he know the truth? Thucydides was not in Athens in 415 nor for many years afterwards, and the accounts of the events of 415 that reached him in his exile were probably confused. He does not mention the results of the investigation into the profanation of the Mysteries, except to relate what happened to Alkibiades. I have already suggested (in Appendix A) that in the case of the Mysteries And. gained immunity by giving information against himself and others. Is it not possible that Thucydides heard that And. gained immunity by giving information against himself and others, and, knowing that And. gave information about the Hermai, wrongly assumed that it was in the case of the Hermai that And. admitted his own guilt? I find it easier to believe this than to believe that And. accused himself of a crime which (as far as we can tell) he did not actually commit.

For these reasons I am inclined to believe (though I am not certain) that And. never declared himself guilty of the mutilation of the Hermai, and that the implied admissions of guilt in the speech *On his Return* refer only to the profanation of the Mysteries.

Some readers may find it a surprising conclusion that, of the two

cases of impiety in 415, it was the Mysteries, not the Hermai, in which And. was more deeply involved. 'Surely that is not what Thucydides would lead us to believe?' It is not, but Thucydides is not infallible; he admits himself (6. 60. 2) that he does not know the whole truth; how could an exile know the details of secret activities in Athens? 'And surely And. appears to take more pains to defend himself in the case of the Hermai than in that of the Mysteries?' Yes, he does appear to do so. How cleverly he diverts attention from the weakest part of his case!

APPENDIX D

The Imprisonment of Andokides

THE account of And.'s imprisonment given in *Ag. And.* 21–24 has been given too little weight in most reconstructions of the events of 415. It is not plausible to dismiss it as consisting entirely of fabrications of the prosecution; although parts of it may be distortions of the truth, an account containing so much detail must have some basis in fact.

It runs thus:

- 21 Σκέψασθε δὲ καὶ αὐτοῦ Ἀνδοκίδου τὸν βίον, ἀφ' οὗ ἡσέβηκε, καὶ εἴ τις τοιοῦτος ἕτερός ἐστιν. Ἀνδοκίδης γάρ, ἐπειδὴ ἤμαρτεν, ἐξ ἐπιβουλῆς, εἰσαχθεὶς εἰς τὸ δικάστηριον, ἔδησεν ἑαυτὸν τιμησάμενος δεσμοῦ, εἰ μὴ
- 22 παραδοίη τὸν ἀκόλουθον· εὖ δ' ἤδει οὐ δυνασόμενος παραδοῦναι, ὅς διὰ τούτου καὶ τὰ τούτου ἀμαρτήματα ἀπέθανεν, ἵνα <μὴ> μηνυτῆς γένοιτο. καίτοι πῶς οὐ θεῶν τις τὴν τούτου γνώμην διέφθειρεν, ὃς ῥᾶον ἡγήσατο
- 23 δεσμοῦ τιμῆσασθαι ἢ ἀργυρίου ἐπ' ἐλπίδι τῇ αὐτῇ; ἐκ δ' οὖν τούτου τοῦ τιμήματος ἐδέδετο ἐγγὺς ἐνιαυτόν, καὶ ἐμήνυσσε δεδεμένος κατὰ τῶν αὐτοῦ συγγενῶν καὶ φίλων, ἀδείας δοθείσης αὐτῷ, εἰ δόξειε τάληθῇ μνηῦσαι. καὶ τίνα αὐτὸν δοκεῖτε ψυχὴν ἔχειν, ὅποτε τὰ μὲν ἔσχατα καὶ τὰ αἴσχιστα ἐποίει μνηῶν κατὰ τῶν ἑαυτοῦ φίλων, ἡ δὲ σωτηρία ἀφανῆς
- 24 αὐτῷ; μετὰ δὲ ταῦτα, ἐπειδὴ ἀπεκτονῶς ἦν οὖς αὐτὸς ἔφη περὶ πλείστον ποιεῖσθαι, ἔδοξε τάληθῇ μνηῦσαι καὶ ἐλύθη, καὶ προσειψηφίσασθε ὑμεῖς αὐτὸν εἰργεσθαι τῆς ἀγορᾶς καὶ τῶν ἱερῶν, ὥστε μὴδ' ἀδικούμενον ὑπὸ τῶν ἐχθρῶν δύνασθαι δίκην λαβεῖν.

In the second sentence of this passage Taylor conjectured ἐξ ἐπιβολῆς, but this conjecture is quite unjustified. ἐξ ἐπιβουλῆς should be taken with ἔδησεν ἑαυτόν: 'he deliberately imprisoned himself', in the manner explained in the following words. The point to which the speaker wishes to draw attention is And.'s folly, and his way of bringing misfortune on himself; that is why he places ἐξ ἐπιβουλῆς at the beginning of its clause for emphasis. Taylor's ἐξ ἐπιβολῆς would mean 'in consequence of a fine', and would make the whole passage refer to some other offence quite distinct from the Mysteries and Hermai affairs. But that is ridiculous; for the speaker goes on to relate that And. secured immunity by denouncing his own relatives and friends, and we know from And.'s own speech that it was in the Mysteries affair that he was accused of doing this.

What was the occasion when (according to the speaker of *Ag. And.*)

And. was brought into a law-court and promised to hand over a servant? Surely it can be no other than the one described by And. in 64: *ὡς οὖν ἦν ταῦτ' ἀληθῆ, τὸν τε παῖδα τὸν ἐμὸν παρέδωκα βασανίσαι, ὅτι ἕκαμνον καὶ οὐδ' ἀνιστάμεν ἐκ τῆς κλίνης*. To suppose that these two occasions were not the same would be to defy Occam's razor. It is true that And. says (61, 65) that on that occasion he appeared before the council, whereas *Ag. And.* 21 mentions a law-court; but it is quite possible that the council heard And.'s statements first and afterwards referred him to a law-court, just as Diokleides was first heard by the council (65) and then referred to a law-court (66).

Now, according to *Ag. And.*, when And. undertook to hand over his servant, he did not actually do so, and was punished for this failure by imprisonment. And., on the contrary, says 'I handed over my slave'. Which are we to believe? Three considerations may be mentioned:

1. If And. did hand over his servant, then the whole story of *Ag. And.* that And. was responsible for his own imprisonment must be an invention. But this is a very odd story to invent.

2. If And. did not hand over his servant, it is quite easy to see why he does not admit this in his speech, for it would cast doubt on his whole account of the Hermai conspiracy by suggesting that he did not provide evidence for it. So he had a motive for lying at this point.

3. And. states (66) that, as a result of the information he gave, his relatives were released from prison. But he never states that he himself was released. This argument *e silentio* in favour of the acceptance of *Ag. And.*'s version is very strong, for his release from prison would have been a useful piece of evidence in 400 that his story was believed in 415.

I think therefore that we may believe, in accordance with the statements in *Ag. And.*, that, when And. gave information about the mutilation of the Hermai, he offered to hand over his slave for torture to confirm his story, and agreed to remain in prison if he failed to do so; that he did fail to hand over the slave; and that he therefore remained in prison, even though (since his story was believed) the others who had been imprisoned with him were released.

Whether it is true that And. knew, even when he promised to hand over the slave, that the slave was already dead, and whether the slave was killed, committed suicide, or died from natural causes, I do not know.

And. then (according to the speaker of *Ag. And.*) remained in prison for nearly a year, and finally secured his release by denouncing his relatives and friends. The speaker must mean that he denounced them for profanation of the Mysteries, for we know from And.'s own speech

that it was for profanation of the Mysteries that he was accused of denouncing Leogoras. Can it be true that this was how he in the end secured release from prison? Why not? We have already (in Appendix A) seen reason to believe that And. may well have denounced Leogoras for profanation of the Mysteries, despite his denials in his speech.

I doubt, however, whether his imprisonment lasted 'nearly a year'. It seems clear from Thucydides that the Mysteries affair was over by the autumn of 415, and it is improbable that denunciations were still being accepted in 414. Possibly ἐγγὺς ἐνιαυτόν is a malicious invention of And.'s prosecutor; otherwise, I suspect some textual corruption at this point. (See, however, my note on 28 Παναθηναίων for a possible argument in favour of the genuineness of the phrase.)

ἀπεκτονῶς in *Ag. And.* 24 may also be a malicious exaggeration. And. perhaps brought his relatives into danger of death by denouncing them, but Leogoras at any rate survived. But it is also possible that others of And.'s relatives and friends really were executed as a result of his denunciation.

What profanation of the Mysteries was it that And. reported? Again, only scorers of Occam's razor will deny that it was the occasion mentioned in Thessalos's impeachment of Alkibiades (*Plu. Alk.* 22. 4), when the Mysteries were parodied in Alkibiades's house, with Alkibiades, Poulytion, and Theodoros taking the leading parts. (It is true that *Plu. Alk.* 19. 1-2 attributes the information about this profanation to slaves and metics produced by Androkles. But I think that γάρ in 19. 3 shows that Plutarch knew of this profanation only from the document which he quotes in 22. 4, where the informer is not named, so that he is only guessing when he attributes the information to the slaves and metics.) If And. reported this profanation and admitted that he himself and Leogoras had been present at it, that solves the problem (to which attention was drawn in Appendix A) of why And. carefully omits all mention of it in his speech.

Some of the difficulties in the account of And.'s imprisonment given by *Plu. Alk.* 21. 4-6 (cf. note on 48) can also now be explained. Plutarch says that in the course of the imprisonment one Timaios became an intimate friend (συνήθη καὶ φίλον) of And. This confirms that And. was in prison for more than the one night described in his own speech, for an intimate friend cannot be acquired in one night (especially such a night as And. describes). And. must have become friendly with Timaios gradually after his own relatives and friends had been released. The information which Timaios urged And. to give doubtless was that concerning the Mysteries, not the Hermai. It is more likely that Plutarch has confused And.'s denunciation concerning the Mysteries with that concerning the Hermai than that (as

some scholars would have us believe) he has twice written Timaios by mistake for Charmides. So we need not, after all, disbelieve Plutarch's statement that And., at Timaios's instigation, declared his own guilt, and the statement that he denounced some servants may also be true.

APPENDIX E

The Order of Events at Athens in 415

To make his argument easier to follow, And. divides his account of the events of 415 into two parts. He first (11-33) recounts all the events relating to the profanation of the Mysteries, and then (34-69) those relating to the mutilation of the Hermai. But he does not show how these two accounts fit together chronologically.

We have two other accounts of the affairs of the Mysteries and the Hermai by contemporary authors, in *Ag. And.* and in Th. 6, besides accounts and references in various later writers (Isok. 16, Plu. *Nik.* and *Alk.*, Diod. 13, Nepos *Alc.*, the *Life of And.*, and *P.Oxy.* iii 411). Many of the events related by And. are not mentioned by any of the other authors, but they also mention some events which And. omits because they are damaging or irrelevant to his case. Besides, it sometimes happens that two or more of these accounts mention the same events in a different order. How can we establish the correct chronological order?

These are the principles on which I think the chronology of the various accounts should be criticized:

1. And. was clearly in a better position than any of our other authorities to know the truth about these events, since he was personally involved in them. But he also had the strongest motives for distorting his account, in order to conceal the part that he himself played. So, when there is a chronological discrepancy between And.'s account and another, if And.'s chronology favours his own case, we may guess that And. has deliberately distorted it, but if the chronological order makes no difference to his case, he is not likely to have made a mistake.

2. The author of *Ag. And.* may also have been in Athens in 415, and so may have known the chronological facts almost as well as And. But like And. he may have found it convenient to distort the facts to suit his case.

3. Thucydides can hardly have had any motives for distorting the facts. But he was in a far worse position than And., and perhaps than the author of *Ag. And.*, to know them. He was certainly not in Athens himself in 415 or for many years afterwards. The accounts that reached him in exile of the confused events of 415 were probably themselves confused. He may have made great efforts to discover the truth, but

he admits himself that he was not able to discover it all (6. 60. 2). We should therefore not unquestioningly accept his statements in the face of contrary evidence.

4. The later historians and biographers recount some events not mentioned by And., *Ag. And.*, or Thucydides, and so must have had at least one source of information independent of these three. But whoever that source was, he is not likely to have been in as good a position to know the facts as And., nor to have taken as much trouble to get them right as Thucydides. So in general we may use the later accounts to supplement the contemporary ones, but not to contradict them (except in cases where we suspect And. or the author of *Ag. And.* of deliberate distortion).

I shall now list the main events in the order in which I think they probably occurred, and afterwards explain my reasons for putting them in this order.

(a) The election of generals was held.

(b) It was decided to send an expedition to Sicily, and commanders for it were appointed.

(c) At a later meeting of the assembly, the decision to send the expedition was reaffirmed. Preparations for it were set in motion.

(d) The Hermai were mutilated.

(e) The Athenians were greatly disturbed, and the council and the assembly met several times within a few days. A commission of inquiry was set up, and rewards for information were offered.

(f) Pythonikos brought forward Andromachos, who gave information that Alkibiades and others had profaned the Mysteries in the house of Poulytion.

(g) Androkles brought forward other slaves and metics, who gave information about previous mutilations of images.

(h) Alkibiades spoke in his own defence and demanded immediate trial, but in vain.

(i) The fleet sailed for Sicily.

(j) Teukros sent his message from Megara, came to Athens, and denounced various persons for complicity in the profanation of the Mysteries and the mutilation of the Hermai.

(k) Diokleides denounced 42 persons for mutilation of the Hermai, including And., Leogoras, and other members of their family, who were arrested.

(l) And., urged on by Charmides, denounced four persons.

(m) Leogoras and the others denounced by Diokleides were released. And. was reimprisoned because he failed to fulfil his undertaking to hand over his slave as a witness to confirm the information he had given. Diokleides was executed.

(n) It was reported that a Spartan army was at the Isthmus, and a Boiotian force, going to meet the Spartans, was near the Attic frontier; and that friends of Alkibiades were conspiring against the democracy at Argos. The Athenians were very alarmed, and they (i.e. citizens of military age) spent one night armed at the Theseion and elsewhere.

(o) Agariste gave information that Alkibiades, Axiochos, and Adeimantos had profaned the Mysteries in the house of Charmides.

(p) Lydos gave information that the Mysteries had been profaned in the house of Pherekles.

(q) And. gave information that Alkibiades, Poulytion, Theodoros, and others, including himself and Leogoras, had profaned the Mysteries in the house of Alkibiades, and he was released from prison.

(r) The Athenians sent orders to Alkibiades and others to return from Sicily for trial.

(s) Speusippos took steps to bring Leogoras and others to trial.

(t) Leogoras escaped trial by successfully bringing a *γραφὴ παρανόμων* against Speusippos.

(u) The decree of Isotimides was passed, and And. left Athens.

(v) Meanwhile Alkibiades failed to return to Athens. He was impeached by Thessalos and condemned to death in his absence.

To this list I add the following comments and explanations:

1. The meeting of the assembly in (b) is that described by Th. 6. 8. 2. This must have occurred later than (a), since Alkibiades, Nikias, and Lamachos would not have been appointed commanders of the expedition if it had not been already known that they would be generals for 415/4. Isok. 16. 7 places (a) between (h) and (i), but this must be a mistake; he has evidently confused the election of Alkibiades as general with the decision (mentioned at the end of Th. 6. 29. 3) that he should set sail for Sicily despite the allegations against him. The meeting of the assembly in (c) is that of Th. 6. 8. 3-26. 1, which took place four days after (b) (Th. 6. 8. 3 *ἡμέρα πέμπτη*).

2. Th. 6. 28-29 makes it clear that Alkibiades was denounced at least once before he left for Sicily, and 11-14 makes it clear that the first denunciation was that of Andromachos. So (f) must precede (h) (i). But Th. 6. 28. 1 seems to mean that no information was given about the mutilation of the Hermai until after the fleet sailed. So (j) must follow (h) (i).

3. Plu. *Alk.* 19. 1 makes Androkles bring forward the first informers, but 11 shows that it was Pythonikos who brought forward Andromachos. Since And. had no motive for disguising the facts at this point, we must, in accordance with the general principles which I stated at the beginning of this Appendix, prefer his account to Plutarch's. Plutarch

states that Androkles produced a number of informers; so probably, after Pythonikos (who may have been a friend or ally of Androkles) produced Andromachos, Androkles produced other informers. From 28 it appears that none of these was thought worthy of a reward, even though they informed before Teukros, who did receive a reward; so presumably they did not give information about the Mysteries or the Hermai, but only about the previous mutilations of images mentioned by Th. 6. 28. 1 and Plu. *Alk.* 19. 1. That is why And. did not think them worth mentioning.

4. In 13 And. states that after Andromachos gave information Polystratos was arrested and executed and the others whom Andromachos denounced went into exile. But Th. 6. 29 makes it clear that Alkibiades, at least, stayed in Athens for a time and did not go into exile until much later. So And. probably does not mean that the men denounced suffered execution or exile immediately, but only that they suffered it eventually, and he mentions the fact at this point only in order to conclude his account of Andromachos's denunciation before going on to that of Teukros. The execution of Polystratos will hardly have taken place until the investigation in which Diognetos took part (14) was complete, and this may not have been until after the fleet departed for Sicily. But since we cannot tell precisely when it was I have left it out of my chronological table.

5. The events in (*n*) are reported partly by And. in 45 and partly by Th. 6. 61. 2-3. But whereas Thucydides places them after (*m*) (that is, after the Hermai investigation was concluded), And. places them between (*k*) and (*l*). Which of the general principles already stated should be applied here? Are we to say that And. was in a better position to know the facts, or that Thucydides had less reason to distort the facts? It may perhaps be argued that it favoured And.'s case to place the Athenians' great alarm before his refutation of Diokleides, for he could then claim that it was this refutation that relieved their alarm (as he does repeatedly claim in 51-68), and this made his disloyalty to his friends seem patriotic. So I have hesitantly accepted Thucydides's order, believing that on this occasion it is more likely that And. has distorted the facts than that Thucydides has made a mistake. Nevertheless it remains possible that And.'s order here is the true one.

6. It is clear from Th. 6. 61. 1 that denunciations for profanation of the Mysteries continued after the affair of the Hermai was closed. Th. 6. 61. 4 πανταχόθεν τε περιειστήκει ὑποψία ἐς τὸν Ἀλκιβιάδην implies that one or more of these later denunciations named Alkibiades. It is therefore likely that Agariste's denunciation of Alkibiades (*o*) as well as And.'s (*q*) followed the close of the Hermai investigations (*m*). On And.'s reimprisonment (*m*) and second denunciation (*q*), see

Appendix D. In accordance with the principles I have stated, the chronological placing of (*q*) after (*m*) given by *Ag. And.* 23-24 must be preferred to that given by *Plu. Alk.* 19. 1-3, who wrongly identifies this denunciation with (*f*) and (*g*). If it is the case that *And.* was included in the denunciation of *Lydos* (*p*) (see Appendix A), this is perhaps more likely to have preceded (and encouraged) *And.*'s confession (*q*) than to have followed it; however, the exact chronological position of (*q*) in relation to (*o*) and (*p*) remains uncertain.

7. (*r*) and (*s*), since they were both direct consequences of (*o*) (*p*) (*q*), presumably occurred at about the same time, but there is no way of telling which came first. Between (*r*) and (*v*) enough time must have elapsed for the *Salamina* to travel to Sicily and back; so probably (*v*) was later than (*t*) (*u*).

8. *Andromachos* and *Teukros* received rewards at the *Panathenaia* (28). This must be later than (*j*), perhaps considerably later; but since there is no way of telling precisely where it fits in among the other events, I have left it out of the table.

9. Except for the transposition of (*n*), *And.*'s account contains, I think, no chronological inaccuracies. But he does narrate the *Mysteries* affair first and the *Hermiai* affair afterwards, an arrangement which tends to conceal the interval between (*j*) and (*o*); he omits, as irrelevant to his case, (*a*) (*b*) (*c*) (*d*) (*e*), which occurred before the first denunciations were made, and (*h*) (*i*) (*r*) (*v*), which concerned *Alkibiades* but not *And.*; and he also omits or alters (*m*) (*q*) (*u*) because he wishes to conceal his guilt in the *Mysteries* affair (see Appendixes A and D).

APPENDIX F

The Dates of the Events of 415

THE problems of the Athenian calendar are exceedingly complicated. In this Appendix I do not attempt a detailed discussion of all the difficulties of dating the events of 415; my aim is merely to give a general outline, and provide references for those wishing to pursue the matter further.

The calendar for this period has been reconstructed by B. D. Meritt. In *AFD* 152-79 he revises views which he expressed earlier; and according to these revised views the first day (Hekatombaion 1) of the civil year 415/4 fell on July 8 by the Julian calendar, while the first day (Prytany I 1) of the council's year 415/4 was Skirophorion 30 (= July 7). I accept this reconstruction. But the evidence for it is obscure, the calculations intricate, and the conclusions precarious. Consequently, none of the dates arrived at in this Appendix can be regarded as certain.

1. The election of generals for the following year, in the fourth century at least, was held in the seventh prytany of each year, provided that the omens were favourable (*Ath. Pol.* 44. 4). There is no evidence to show whether the system was the same in the fifth century (unless perhaps *Ar. Clouds* 581-6, but the precise significance of this passage is doubtful); but it is generally, and probably rightly, assumed that it was. So Alkibiades, Nikias, and Lamachos were probably elected generals for 415/4 during the seventh prytany of 416/5, which began about the beginning of Anthesterion (February 10) and ended early in Elaphebolion (the middle of March).

2. At the meeting of the assembly at which the decision to send the Sicilian expedition was reaffirmed (*Th.* 6. 8. 3-26. 1), Demostratos was one of the chief speakers in favour of the expedition (*Plu. Nik.* 12. 6, *Alk.* 18. 3). This meeting at which Demostratos said the expedition should go occurred at the time of the Adonia (*Ar. Lys.* 391-6). (Plutarch, in *Nik.* 13. 11 and *Alk.* 18. 5, appears to think that the Adonia took place at a time when the preparations for the expedition were already far advanced; but clearly he did not know the exact date of the festival, and the evidence of Aristophanes must be preferred to Plutarch's.) Unfortunately the date of the Adonia, and consequently of this meeting, is not known for certain, and has been much disputed. But it now appears probable that the date was early in Mounichion (= mid-April), for these reasons:

(a) From *IG* i² 302 (= Tod 75) it appears that the first payment from the treasury of Athena to Alkibiades, Lamachos, and Nikias for the Sicilian expedition was made in the later part (not earlier than the 22nd day) of the eighth prytany of 416/5. The eighth prytany ended on Mounichion 14 or 15.

(b) There is evidence (see Meritt in *Hesperia* iv (1935) 574) of close connexion (or confusion) between Adonis and Eros, and the festival of Eros in the sanctuary of Aphrodite ἐν Κήποις (on the north side of the akropolis) was on Mounichion 4.

(c) The chronology of Alkiphron *Ep.* 4. 14. 8, where Pierson's emendation Ἀδωνίους is generally accepted, demands for the Adonia a date late in Elaphebolion or early in Mounichion (M. P. Nilsson *Studia de Dionysiis Atticis* (Lund, 1900) 100 note 1, F. R. Walton in *Harvard Theological Review* xxxi (1938) 65-72).

This view of the date of the Adonia is that of Meritt in *Hesperia* iv (1935) 573-5 and Hatzfeld in *Revue des Études Grecques* l (1937) 293-303. Those wishing to read other opinions will find a convenient list of references in M. P. Nilsson *Geschichte der Griechischen Religion* i² 727 note 5.

3. The meeting of the assembly at which the Sicilian expedition was originally decided on (Th. 6. 8. 2) was held four days earlier (Th. 6. 8. 3 ἡμέρα πέμπτη). It was therefore at the end of Elaphebolion or beginning of Mounichion. (Mounichion 1 = April 10.)

4. The mutilation of the Hermai occurred on the last day of a month, when there was no moon. According to Plu. *Alk.* 20. 8, one of the informers (clearly Diokleides) was shown to be lying by the fact that he claimed to have seen the mutilators by the light of the moon when actually it was the last day of the month (ἐν ἡμέρᾳ καὶ νέας οὐσης). (Diod. 13. 2. 4 mentions τῇ νουμηνίᾳ. But since his version differs in some important respects from Plutarch's, and still more from And.'s, it seems possible that the events to which he refers really occurred on some other occasion (perhaps in the profanation of the Mysteries), and that he is mistaken in attributing them to the Hermai affair. I therefore hesitate to use his version as evidence for dating the mutilation.)

And. mentions (38) that Diokleides said there was a full moon. Some object that And.'s version contradicts Plutarch's, and maintain that And.'s evidence proves that the moon was full on the night of the mutilation. It is inconceivable, they say, that Diokleides, when inventing his story, should have been so careless as to forget whether the moon was full or new; and if he had forgotten this, his story would have been refuted at once, not believed until And. gave his evidence on the following day. But I find this objection unconvincing, for these reasons:

(a) I do not find Plutarch's version incredible in itself. The sequence

of events which I envisage as probable (not certain) is this. When Diokleides first told his story to the council he did not mention the moon at all; he simply claimed to have seen men assemble in the theatre of Dionysos during the night, and at that point it did not occur to any of his listeners to ask how he was able to see them. On the next day, after And. gave his information, Diokleides was summoned for questioning, and one of the first questions asked was 'How did you recognize in the dark the men whose names you gave yesterday?' This question took him by surprise. He might have answered 'By the light of the lamps they were carrying', but in his nervousness he lost his head and instead said 'By the light of the full moon'. At once someone pointed out that the moon was new on the night of the mutilation; and so Diokleides broke down. No doubt it was stupid of him to give the wrong answer about the moon; but the fact that an action was stupid does not prove that it was not committed. Diokleides was probably a stupid man. If he had not been stupid he would not have attempted to impose his cock-and-bull story on the Athenians at all.

(b) And. never states that the moon was full on the night of the mutilation, but only that Diokleides said it was full. And.'s version therefore does not contradict Plutarch's on this point. And. himself was certainly not present when Diokleides first told his story, and possibly not when he was questioned on the next day. So And. probably did not know which elements of the story were told on which day; and if he did know he did not care, since it made no difference to his own case. He therefore just puts all the parts of the story into a single narrative, thus making it easier for his audience to follow.

So, since Plutarch's version is not incredible in itself, and is not contradicted by the evidence of And. or of any other better authority, we ought to believe it. We may therefore accept the view of Meritt (in *AJA* xxxiv (1930) 137-9) that the mutilation took place on the last day of a month. Meritt there reaches the conclusion that the new moon was that of June 8, and in *AFD* that this marked the beginning of Skirophorion. I accept these conclusions. Since days were officially reckoned from sunset to sunset, the last day of the preceding month (Thargelion 29) began at sunset on June 6, and so, if we interpret Plutarch's *ἐν τῇ καὶ νέας* precisely, it appears that the mutilation took place on the night June 6/7. (Meritt *AFD* 171 gives the date as June 7/8; but this would be Skirophorion 1 rather than Thargelion 29.)

5. The last payment made from the treasury of Athena to the commanders of the Sicilian expedition is recorded in *IG* i² 302 (= Tod 75). Unfortunately the date has to be restored. Meritt *AFD* 170 makes it Prytany X 8, but it seems clear that this is not the only possible restoration. So it is of no help for fixing other dates.

6. Meritt *AFD* 171 fixes the denunciation of Alkibiades by Pythodikos (11) ten days after the mutilation, and the departure of the fleet for Sicily another three days later. It is admittedly possible that these dates are right, but Meritt has no adequate evidence for them; his choice of these precise dates is quite arbitrary. We can safely say only that the fleet is likely to have sailed in the later part of June, and that this suits well enough the vague phrase *θέρους μεσοῦντος* in Th. 6. 30. 1. At any rate the departure will not have been later than Skirophorion 30 (= July 7), for it was in the archonship of Arimnestos (Is. 6. 14), which ended then.

7. According to Diokleides's story, he travelled to Laureion on the day following the night when the Hermai were mutilated, and on the next day was still away from Athens (39 *τῇ ὑστεραίᾳ*); his return to Athens followed (40 *ἦκων δὲ εἰς ἄστυ*), presumably almost at once. His alleged visit to the house of Kallias son of Telokles, therefore, was in the early days of Skirophorion, perhaps as early as Skirophorion 3. The conspirators (his story continued) promised to pay him two talents in the month then beginning (42 *εἰς τὸν εἰσιόντα μῆνα*: this expression could not be used near the beginning of a month (though it might be used near the end of a month) to mean 'in the following month', since a month cannot be called 'incoming' when the previous month has only just begun; 'in the following month' would be *εἰς τὸν ἐπιόντα μῆνα*, and Emperius thus emended And.'s text, but unjustifiably, since the reading of the ms. has not been proved wrong), and it was because this promise was not fulfilled that he went to give information. So presumably Diokleides told his story very soon after the end of Skirophorion, i.e. at the beginning of Hekatombaion. And.'s account (43-66) makes it clear that And.'s information and the refutation of Diokleides followed only one day later.

8. The lesser Panathenaia were held on the last day but two (*τρίτῃ φθίνοντος*) of Hekatombaion. *IG* i² 76 (= Tod 74) is a decree with an amendment ordering that in the following year an extra Hekatombaion shall be intercalated. Meritt *AFD* 172-3, following Dinsmoor, places this decree in 416/5, and concludes that the year 415/4 opened with two months named Hekatombaion, and that the Panathenaia were held on the 28th day of the second Hekatombaion (= September 2). This may be right. But it does not necessarily follow that all the investigations and trials connected with the mutilation of the Hermai and the profanation of the Mysteries were completed before that date, but only that the information given by Andromachos and Teukros had been investigated and confirmed to the general satisfaction; for only Andromachos and Teukros received rewards at the Panathenaia (28).

APPENDIX G

Political Motives in 415

FIRST, a warning. In discussing the politics of 415 it is hardly possible to avoid using the shorthand terms 'oligarchs' and 'democrats'. But these terms must not be thought of as denoting two political parties in the modern sense. 'Democrats' are simply men who thought that all Athenian citizens should have a more or less equal say in the conduct of public affairs, and supported politicians such as Androkles. 'Oligarchs' are those who would have preferred that the less intelligent and competent Athenians (and this was taken to mean the poorer ones) should have no influence on the conduct of affairs. So there was a tendency for rich men to be oligarchs and poor men to be democrats. Within and between these groups there were doubtless many gradations of opinion. (Nikias, for instance, does not fit well under either heading.) Individuals might change their opinions, or pretend to change them, if they thought it would help them to achieve their own political ambitions. (Alkibiades and Peisandros are conspicuous examples.) But in 415 there were still far more democrats than oligarchs.

War damages wealth and property. So during the Peloponnesian War most oligarchs were usually in favour of peace. Most of the sailors in the Athenian navy, who lacked employment in peacetime, were poor, and were consequently democrats; and so democratic politicians, to get the sailors' support (and doubtless for other reasons too), commonly favoured war. In 415 Alkibiades, for reasons of personal ambition, wanted the Athenians to make war on Syracuse and send a large expedition to Sicily. For this policy he obtained the support of a majority of the Athenians, including of course the sailors; whatever his politics may have been in previous or subsequent years, in 415 he was virtually a democrat.

There are now four questions to be answered.

1. Did And., Euphiletos, Meletos, and their friends form a club with a political purpose, and if so what political colour had it?

A few quotations will show the divergence of opinions on this question:

Jebb *AOi* 71 note 7: 'There is nothing to show that this club of young men was anything so serious as a political *ἐταιρεία*.'

Calhoun 24: 'The hetaery of Andocides and Euphiletus, one of the most notorious political clubs in the history of Athens.'

Marchant 5: And. 'was thoroughly identified with the wealthy young oligarchs before 415; and hence he joined the political club of Euphiletus'.

Maidment 320-1: 'By the time he had reached his twenties his political sympathies had already led him to join one of those *ἐταιρείαι* or "clubs". . . . But it is by no means certain that his sympathies were markedly oligarchic.'

The fact of the matter is that we have hardly any evidence about the activities of this group. Statements about political clubs in general (e.g. Th. 8. 54. 4) clearly do not prove that our particular group was a political club. About our particular group we have only the following pieces of evidence:

(a) 61 *πινόντων ἡμῶν* shows that the group had social activities; but it does not show that its activities were only social and never political.

(b) The group planned and carried out the mutilation of the Hermai (61-63). But to say that this operation had a political motive is to beg the question.

(c) The fragments of And. *To his Comrades*. Plu. *Them.* 32. 4 (= And. fr. 3) tells us that in this work And. 'incited the oligarchs against the democracy' (*ἐπὶ τὸν δῆμον παροξύνων τοὺς ὀλιγαρχικοὺς*). It can hardly have been just a private letter; if it had not been published, it is unlikely that Plutarch would have been able to quote from it. It was perhaps a political pamphlet rather than a speech (though it may have been written in oratorical form). We have two other fragments which are generally attributed to it. One (fr. 5) attacks the demagogue Hyperbolos (and thus indicates that the work was composed before Hyperbolos was ostracized); the other (fr. 4) describes the hardships inflicted on the Athenians by the war with Sparta (not the occupation of Dekeleia; Dalmeyda's reference to Dekeleia in note 1 on page 132 is contradicted by his remarks on fr. 4 on page ii); and we must remember that it was, in general, the oligarchs who disliked the war. So it was clearly a political, and an anti-democratic, piece of writing. The 'comrades' to whom it was addressed must therefore have been oligarchs (as Plutarch says). But were they identical with Euphiletos and the other mutilators of the Hermai? It is conceivable that they were not. It is conceivable that And. had political associates and social friends and that the two sets were quite distinct. But it is a more economical hypothesis to suppose that they were one group, not two.

I therefore prefer the view (even though it cannot be regarded as proved beyond all possible doubt) that And., Euphiletos, Meletos, and the rest were an oligarchic group, who met for political as well as

social purposes. If this is right, why does And. say nothing of their political interests in his speech *On the Mysteries*? Obviously because in 400 he wished to conceal the fact that he had been an oligarch.

2. Did the profanation of the Mysteries have a political purpose?

A mock celebration of the Mysteries is not itself a political activity. It could be said to have a political purpose only if it were intended to influence public opinion in some way. But in 415 the ceremonies were all held in secret, and there is no evidence that any of the participants wished them to be revealed. (Nor did anyone reveal them until rewards for information were offered, after the mutilation of the Hermai.) An act intended to influence public opinion is not kept secret. I conclude that the parodies of the Mysteries had no political purpose. They must have been for private entertainment—a kind of charade, with the added spice of illegality. Some members of the oligarchic group which has just been discussed no doubt took part, but there were also other participants who were not oligarchs; Alkibiades, for instance, had no political, but only social, links with oligarchs in 415.

3. Did the mutilation of the Hermai have a political purpose?

For this question, 61 seems to me to be a most significant piece of evidence: some time (at least a day or two) before the mutilation was carried out, Euphiletos put forward the idea, and it was discussed. (Parts of And.'s account are, no doubt, untrue; but I see no reason why he should have invented this particular point.) The fact that the mutilation was planned in advance shows that it was not just the aftermath of a drunken party, but had some serious purpose. One purpose was probably to secure the loyalty of the members of the group to one another; if all had taken part in a crime, none would dare to betray the group in future activities for fear of having his own guilt revealed. The crime thus served as a 'pledge' binding together the members of the group (67 πίστις, cf. Th. 3. 82. 6). But it must have had some other purpose as well. When choosing a crime to serve as a 'pledge', the members would choose not any crime at random but one which served the further ends of the group, just as the Samian and Athenian oligarchs in 411 chose for their 'pledge' the assassination of a demagogue (Th. 8. 73. 3). And I do not know what the purpose can have been except to stop the sailing of the fleet to Sicily. (The mutilation of the images of the god of travellers would naturally be taken as a bad omen for those who were about to set out on a journey.) There were two kinds of people who did not want the Sicilian expedition to take place: the Syracusans (and the Corinthians), who were to be attacked, and those Athenians (mainly oligarchs) who preferred Athens to remain at peace. Some writers of the fourth century and later (Philochoros F133 = schol. on Ar. *Lys.* 1094, Kratippos F3

= *Life of And.* 5, *Plu. Alk.* 18. 7, Photios *Ἑρμοκοπίδαι*) thought the Corinthians were responsible for the mutilation. It is of course possible that Euphiletos had accepted a Corinthian bribe. But And.'s account gives no support to this idea, whereas there is, as I have already shown, good reason to suppose that Euphiletos and his friends were oligarchs.

I conclude that the Athenians were probably right in attributing the mutilation of the *Hermai* to an oligarchic plot, and that the aim of the plot was to stop the departure of the fleet for Sicily. This makes it likely that Alkibiades had nothing to do with it.

Whether those Athenians were right who thought that the mutilation was the first stage of a revolution with the aim of overthrowing the democracy (*Th.* 6. 27. 3 τοῦ τε γὰρ ἑκπλου οἰωνὸς ἐδόκει εἶναι καὶ ἐπὶ ξυνωμοσίᾳ ἅμα νεωτέρων πραγμάτων καὶ δήμου καταλύσεως γεγενῆσθαι) is much more doubtful. One would think that an anti-democratic revolution would have been far more likely to succeed when the fleet was absent from Athens, as it was in 411, and that an action designed to prevent the Sicilian expedition would be the worst possible beginning for it. But we have not (nor had most Athenians in 415) enough evidence to discover the unfulfilled plans of Euphiletos, Meletos, and their comrades.

4. What was the motive of the outcry against those who profaned the Mysteries and mutilated the *Hermai*?

The instigators and leaders of the outcry were enemies of Alkibiades (*Th.* 6. 28. 2, 61. 1). Among them were Peisandros and Charikles, who at that time were democrats (36, cf. *Isok.* 16. 4), and the demagogue Androkles (27, *Plu. Alk.* 19. 1). Yet in 415 Alkibiades himself was behaving as a democrat. Why did the other democratic leaders attack him? Clearly because they were jealous. Alkibiades had supplanted them in popular favour, and captured the support of the sailors in particular, by proposing to lead an expedition to conquer Sicily. Peisandros, Charikles, and Androkles wanted to discredit Alkibiades by associating him with an oligarchic plot, so that they could regain their ascendancy. Incidentally, they may have been pleased to have a weapon for attacking Euphiletos, Meletos, And., and other oligarchs at the same time.

APPENDIX H

The Decree of Teisamenos

THE precise purpose and meaning of the decree of Teisamenos (83-84) have been much discussed. The most recent discussions are:

- C. HIGNETT: *A History of the Athenian Constitution* (Oxford, 1952) 299-303.
ALEXANDER FUKS: *The Ancestral Constitution* (London, 1953) 33-40.
A. R. W. HARRISON: *Law-making at Athens at the end of the Fifth Century B.C.* (in *JHS* lxxv (1955) 26-35).
EBERHARD RUSCHENBUSCH: *Der sogenannte Gesetzcode vom Jahre 410 v. Chr.* (in *Historia* v (1956) 123-8).
STERLING DOW: *The Law Codes of Athens* (in *Proceedings of the Massachusetts Historical Society* lxxi (proceedings of 1953-7, published in 1959) 3-36).
STERLING DOW: *The Athenian Calendar of Sacrifices: the Chronology of Nikomakhos' Second Term* (in *Historia* ix (1960) 270-93).
STERLING DOW: *The Walls Inscribed with Nikomakhos' Law Code* (in *Hesperia* xxx (1961) 58-73).

These writers provide references to earlier studies; in particular, Dow in *Historia* ix 292-3 gives a full list of relevant writings published since 1935.

It would be beyond the scope of this Appendix to examine in detail all the views that have been expressed. All that I wish to do here is to give an account of my own view and indicate the pieces of evidence on which it rests.

The central question is usually taken to be: does the decree order a completely fresh revision of the laws from the beginning, or merely a continuation of the revision begun in 410 and not yet finished? It is my belief that some scholars have been misled by thinking that these are the only two alternatives. The situation, I believe, was that a revision of the laws was undertaken and completed in the period 410-04. But the events of 404/3 revealed that this revised code was inadequate in some respects. So in 403 it was decided to review all the laws to decide which of them needed to have fresh clauses added to them to cover the eventualities not foreseen before 404/3. (Since this decision was taken at the time of an amnesty and a general desire μή μνησικακεῖν, one may guess that the added clauses often began

'except—'). Many laws (perhaps nearly all), having recently been revised, were now perfectly adequate as they stood, and these, being already inscribed in the *basileios stoa*, did not need to be inscribed again. But some laws in force before 404 had been destroyed by the Thirty (*Ath. Pol.* 35. 2, schol. on *Ais.* 1. 39; the statement of Dio Chrys. 21. 3 that Kritias destroyed all the old laws is doubtless an exaggeration); these had to be reinscribed. And when extra clauses were inserted in a law, the new version of the law naturally had to be inscribed in the *basileios stoa* in place of the old version. The decree of Teisamenos assumes that every provision already in the laws is satisfactory, since it has already been scrutinized in 410–04; the decree is concerned only with additions, not with alterations or deletions. The revision ordered by it was thus a kind of appendix or coda to the revision which had taken place in 410–04, not a completely fresh revision.

I think that this statement of the facts conforms with the available evidence, which I will now review.

1. The first part of the decree of Teisamenos orders the Athenians to use (not to change) the laws of Solon and ordinances of Drakon, and it lays down a procedure for making additions to them. The verb *προσδέη* can certainly not refer to the rejection of any of these laws or the deletion of clauses within them, and probably not even to alterations involving the deletion of words, but only to additions. It may seem unpractical to allow additions but not the deletion of any existing clauses or words in the laws; nevertheless that is what the decree lays down. To say that a procedure was unpractical is not to prove that it was not adopted.

The procedure is that the *nomothetai* appointed by the council draft whatever additions they consider necessary, and publish them. Then the council considers the laws to which additions are proposed. It considers too proposals made by any individual. (Perhaps *ὁ βουλόμενος*, like the *nomothetai* appointed by the council, can propose only additions to the existing laws, not deletions, since it would be odd to allow an individual to make proposals of a kind which the *nomothetai* are forbidden to make. However, this is not clearly stated in the decree.) The proposals are considered also by the five-hundred *nomothetai* appointed by the members of the *demes*. (It is not clear from the decree whether the council and the five-hundred *nomothetai* meet separately or together.) If the proposals run this gauntlet successfully, they become valid law. (Nothing is said in the decree about ratification by the assembly.)

Laws which need no additions naturally do not have to be considered by all these bodies. They have been passed before, and do not need to be passed again.

The whole description of this procedure in the decree contains no hint that it is a continuation of a task left unfinished in 404.

2. The last-but-one sentence of the decree entrusts the guardianship of the laws (whatever that was; see note on 84 *ἐπιμελείσθω*) to the Areopagos. Here *οἱ νόμοι* evidently means all the laws, including not only the laws which receive additions but also the others. But *ἐπειδὴν τεθῶσιν οἱ νόμοι* does not necessarily imply that all the laws, including those to which no additions are made, are now to be passed, but only that some laws (that is, those which receive additions) are to be passed. (If anyone doubts this, let him consider such a sentence as: 'After my money is spent, I shall have to borrow from you.' This does not imply that I have not yet spent any of my money, but only that I have not yet spent all of it.)

3. The last sentence of the decree orders the inscription of the ratified laws on the wall 'where they were inscribed before'; that is, the new version of a law that has received additions, if it has duly run the gauntlet described in the earlier sentences of the decree, is to be inscribed on the wall where that law (in its previous version) had been before. Notice that this expression shows that the decree is concerned only with laws which have already been inscribed before 404. A law not previously inscribed cannot be inscribed where it was inscribed before. This clause perhaps also covers the reinscription of laws destroyed by the Thirty.

4. And. in 82 says that it was decided to review all the laws. It was of course necessary to inspect all the laws in order to see which ones required additions. This inspection was made, I think, by the *nomothetai* appointed by the council; the council itself and the five-hundred *nomothetai* appointed by the members of the demes scrutinized only the additions that were proposed. And.'s words *δοκιμάσαντες πάντας τοὺς νόμους* might be taken to mean not merely an inspection to see which laws needed additions, but an inspection in which some laws might be rejected. If so, then And. is speaking loosely, for in the decree itself no provision is made for the rejection of existing laws, and the verb *δοκιμάζειν* is there used only of the scrutiny of proposed additions. (It was of course in his interest to suggest that some laws in force previously were rejected in 403.) But perhaps his words mean merely 'reviewing all the laws (to see which ones were inadequate as they stood and required additions) then to inscribe in the stoa such laws as are approved (in the scrutiny of proposed additions)'; if so, there is nothing in these words which contradicts anything in the decree. (But, however this sentence is interpreted, the double use of *δοκιμάζειν* is exceedingly awkward, and it is possible that we ought to emend it.)

From And.'s narrative it is plain that this decision supplemented or superseded the decisions mentioned in the closing words of 81 (*... τούτους δὲ ἐπιμελεῖσθαι τῆς πόλεως, ἕως ἄλλοι νόμοι τεθεῖεν· τῶς δὲ χρῆσθαι τοῖς Σόλωνος νόμοις καὶ τοῖς Δράκοντος θεσμοῖς*), for it was made at a quite different meeting of the assembly. The closing words of 81 are therefore not intended to be a description of the decree of Teisamenos; their interpretation is irrelevant to the interpretation of the decree; attempts to show that they mean the same as the decree and expressions of despair that they mean something different are alike misguided.

5. D. 24. 42 quotes a law of Diokles. It affirms the validity of 'the laws passed before the archonship of Eukleides, under the democracy, and those which were passed during the archonship of Eukleides and are inscribed'; that is, the laws which in 403/2 were retained unaltered, those which were repassed with additions in that year, and any others (such as those quoted in 87) which were passed in 403/2 and were inscribed because they were intended to form part of the permanent code. The law of Diokles seems to imply that all the laws in the permanent code were passed before the end of 403/2; since the laws quoted in 87 appear to be part of the permanent code, they were probably passed before the end of 403/2; and since the legal revision ordered by the decree of Teisamenos was completed before they were passed (85), this revision was probably completed before the end of 403/2. If so, the amount of work involved, and the number of additions made to the laws, was fairly small.

6. Lys. 30. 2-3 describes the career of Nikomachos from 410 to 404. In 410 he was appointed to 'inscribe the laws of Solon'. The speaker says he was ordered to complete this task in four months, but he made it last six years, and then (i.e. in 404) he relinquished the office and underwent *εὐθυναί*. This implies, I think, that the task was completed by 404. *εὐθυναί* were a democratic process; Nikomachos's *εὐθυναί* are not likely to have taken place under the régime of the Thirty. Therefore he probably relinquished his office before the accession of the Thirty. (Lys. 30. 3 *ἡ πόλις εἰς τὰς μεγίστας συμφορὰς κατέστη* does not necessarily refer to the accession of the Thirty. It may refer to the siege of Athens and other disasters of 405/4; cf. Lys. 12. 43.) But if he was not forced from his office by the Thirty, there is no probable reason for his relinquishing it in 404 except that he had completed his task.

7. Lys. 30. 4 tells us that later (i.e. in 403) Nikomachos obtained a similar office. This time he 'inscribed for four years'; he relinquished office in 399. Most modern writers on the subject have assumed that in this term of office Nikomachos was executing some part of the legal

revision ordered by the decree of Teisamenos. But I think that this is probably not the case, for these reasons:

(a) 85 shows that all the provisions of the decree of Teisamenos, including the inscription of the revised laws in the *basileios stoa*, were carried out and completed before the passing of the laws quoted in 85 and 87, and it is likely (see paragraph 5 above) that these laws were passed before the end of 403/2. If this is so, it is clear that the activities of Nikomachos, which lasted until 399, were not part of the execution of the decree of Teisamenos. Even if the execution of the decree and the passing of the laws in 85 and 87 do not belong to 403/2, they must at any rate be earlier than And.'s trial and speech; and it is likely (though admittedly not certain; see Appendix J) that And.'s trial was in 400, when Nikomachos had still not relinquished office.

(b) Lys. 30. 17-21 shows that in 403-399 Nikomachos was concerned with sacrifices. There is no indication that he dealt in 403-399 (as he had in 410-04) with secular law. Nor is there any need to believe that, because he dealt with secular law in 410-04, he must therefore have dealt with secular law in 403-399; Lys. 30. 4 says only that his second office was similar (*ὁμοίαν*) to the first, not that it was the same (which would be *τὴν αὐτήν*), and this may mean no more than that in both terms of office he was an *ἀναγραφεύς*. The decree of Teisamenos, on the other hand, certainly concerned secular law, but there is no indication that it ordered a detailed revision or inscription of a sacrificial calendar. (Dow in *Historia* ix (1960) 273 note 2 correctly writes: 'From Teisamenos' decree alone, we should never infer the existence of the Calendar'.)

(c) Lys. 30. 28, in a rhetorical sentence, says that the Athenians appointed Teisamenos, Nikomachos, and other under-secretaries, to make laws. But this does not prove that Nikomachos was concerned with the same legal revision as Teisamenos, and it may very well be Nikomachos's first term of office, in 410-04, that the speaker has in mind at this point.

So it is likely that the activities of Nikomachos in 403-399 had nothing to do with the decree of Teisamenos, but were authorized by some other decree which has not been preserved.

8. Various fragments have been found of stones which appear to have formed three walls in the *basileios stoa*. (*SEG* xv 114 lists the works in which the texts are published.) Most of the fragments are inscribed on one side in the old Attic letters used before 403/2, and on the other side in the Ionic letters used in and after 403/2.

The fragments in Ionic letters are all parts of a calendar of sacrifices, and it seems virtually certain that this is the calendar which

Nikomachos was responsible for inscribing. So this later inscription probably has nothing to do with the decree of Teisamenos.

The subject-matter of the earlier fragments, in Attic letters, is partly sacred (perhaps, though not certainly, a sacrificial calendar), but they include also part of a trierarchic law. Most writers on the subject, following J. H. Oliver in *Hesperia* iv (1935) 5-32, have thought that both sides of the walls to which the fragments belong were intended to be visible simultaneously, and that the earlier inscription contained the laws revised and inscribed by Nikomachos in 410-04. But Ruschenbusch maintains that when the later inscription was made, in Ionic letters, the stones were set up in such a way that the earlier inscription on the other side was no longer visible. He concludes that the earlier inscription was one that became obsolete in or before 403, and that it was a legal code made by the Thirty. Since I have not seen the stones and am not an epigraphist, I am not qualified to express an opinion on this problem. But even if Ruschenbusch's solution of the epigraphical problem is right, it is not of much help for understanding the decree of Teisamenos. The fact (if it is a fact) that these stones do not contain the revised legal code of 410-04 does not prove that (as Ruschenbusch maintains) the revised legal code of 410-04 was never inscribed. That the laws in force before 404 (and not only, as Ruschenbusch thinks, the laws of the Thirty) were inscribed is shown, I think, by the words *ἵνα περ πρότερον ἀνεγράφησαν* in the last sentence of the decree.

APPENDIX I

Was Andokides Immune from the Decree of Isotimides in 400?

IN 71-91 And. claims that the events of 405-3 made him immune from prosecution in 400 for an offence under a decree passed fifteen years earlier. His own account makes it clear that the amnesties and legal revision of 405-3 occurred in four distinct stages:

1. The decree of Patrokleides in 405, which restored citizen-rights to various categories of persons who had lost them (77-79).

2. The permission to exiles to return in 404 (80).

3. The amnesty of 403 (81 *ἔδοξε μὴ μνησικακεῖν ἀλλήλοις τῶν γεγενημένων*, and 87 *τοῖς δὲ νόμοις χρήσθαι ἀπ' Εὐκλείδου ἄρχοντος*; see also my note on 87). A man could not be prosecuted in or after 403/2 for an offence against the laws which was committed before that year. (There were certain exceptions to this amnesty, but they are irrelevant to And.'s case.)

4. The decree of Teisamenos (83-84) and the laws quoted at the beginning of 87. According to these, the only laws which were valid from 403/2 onwards were those inscribed in the *basileios stoa* (or elsewhere) in 410-04 and those passed in 403/2 and afterwards inscribed. (See Appendix H.)

These four must be considered separately.

1. Did the decree of Patrokleides restore to those guilty of impiety the right to enter the temples and agora?

There is no doubt that the exclusion from the temples and agora which was imposed on And. by the decree of Isotimides counted as a kind of *ἀτιμία* (cf. *Ag. And.* 25 *ἡτιμώθη*). But the decree of Patrokleides did not cancel all kinds of *ἀτιμία*, nor even all kinds with the exception of those listed in the clause beginning *πλὴν ὅποσα . . .*; for the words *οἱ ἀτιμοὶ ἦσαν* at the beginning of 78 are modified by the preceding *περὶ δὲ τῶν ἐπιγεγραμμένων εἰς τοὺς πράκτορας . . .*, and nowhere else in the decree do we find a general expression 'all who were disfranchised', but only a list of particular categories of disfranchised persons. The question is: does And.'s case fit into any of the categories specifically mentioned in the decree? If it does not, then this decree did not restore his rights.

In fact, the impious are not mentioned specifically, and there is

only one expression which might be thought to include them: ὅσων . . . προστάξεις . . . εἶσι κατεγνωσμένοι. Anyone who wishes to claim that this decree applied to And. must therefore argue either that the disabilities imposed by the decree of Isotimides were ἀτιμία κατὰ πρόσταξιν, or that the relevant section of the decree has been lost from the text we have. To the first of these arguments the objection is that And. himself, when describing ἀτιμία κατὰ πρόσταξιν in 75-76, though he does mention exclusion from the agora, says nothing about exclusion from temples or persons guilty of impiety, and gives no hint that it is this particular section of his account of disfranchisement that is relevant to the decree of Isotimides. Much the same objection may be made to the second argument. If And. had thought that any particular clause of the decree of Patrokleides referred specially to persons subject to the decree of Isotimides, he would surely have drawn attention to it. Since he does no such thing, I think we may safely conclude that the impious were not included in the list of persons whose rights were restored by the decree of Patrokleides, and that And. quotes the decree merely in order to produce on his hearers a general impression that all forfeited rights were restored in 405.

2. It does not seem that And. was ever explicitly condemned to exile; he left Athens because the decree of Isotimides (and perhaps also his general unpopularity) made life in Athens impossible or intolerable. And. himself clearly did not think that the recall of exiles in 404 was relevant to his own case; if he had, he would not have passed over it in one short phrase in the middle of a long sentence (80).

3. The amnesty of 403 was, legally, quite irrelevant to And.'s case. He was being prosecuted for entering temples in 400; the amnesty referred only to offences committed before 403/2. Of course the profanation of the Mysteries and the mutilation of the Hermai occurred in 415, but those were not the offences for which he was now being prosecuted.

Nevertheless, And. had two reasons for bringing the amnesty into his speech:

(a) If the offences committed in 415 were forgotten, there would be no objection to his entering temples in 400. The argument 'I cannot be prosecuted for impiety committed in 415; therefore I am innocent of impiety; therefore I am not subject to the decree of Isotimides' is fallacious, but it might well take in a jury.

(b) The general feeling of 403 was 'Let bygones be bygones'. And. could therefore say 'Even if I am legally liable to punishment, it would be in accordance with the general wish to forget the past if I were let off'. To this it is reasonable to object that the bygones which were to be forgotten were the events of the civil war, in which

And. took no part, not impieties that happened long before it. This objection, that the amnesty applied only to those who took part in the civil war, is made in *Ag. And.* 37-41; cf. *Ar. Pl.* 1146 *μὴ μνησικακήσης, εἰ σὺ Φυλὴν κατέλαβες*.

The plea for mercy and the fallacious proof of innocence tend to become confused in And.'s speech. It was not in his interest that the jury should think about his case clearly and precisely.

4. The decree of Teisamenos and the laws quoted in 87 make it quite clear that no law passed in 415 and not since renewed or inscribed was still valid in 400. Although And. does not provide specific proof that the decree of Isotimides was not inscribed, I think we may assume that it was not, for otherwise the inadequacy of his argument in 82-89 would have been obvious even to a jury. At first sight, then, it appears certain that the decree of Isotimides was no longer valid in 400. However, two objections may be made to this view:

(a) It was an old tradition that men were subject to two kinds of laws: the written laws of men and the unwritten laws of the gods. In my note on 85 I have distinguished three types of *ἄγραφοι νόμοι*. The law quoted by And. in 85 and 87 forbade the enforcement of type 3 (laws of the state which were not officially inscribed). But since his offence was a religious offence, many Athenians would believe that he had transgressed type 1 (divine law), and that no man-made laws could excuse offences against the gods.

To this line of attack (which is used in *Ag. And.* 10) And. could reply firstly that Isotimides was not a god and his decree not a law of the gods, and secondly that the gods themselves could be expected to punish transgressions of their own laws. (And. produces the second of these arguments in 137-9; the first is not used explicitly, but is possibly implied by 72-89.) But some Athenians might think this a quibble, since the gods might reasonably be expected to favour the enforcement of decrees intended to protect their interests; and And. had the authority of Perikles against him (*Ag. And.* 10).

(b) The decree (*ψήφισμα*) of Isotimides was not a law (*νόμος*). And. argues (86) that if unwritten laws are invalid, then *a fortiori* unwritten decrees are invalid. But I doubt whether this argument is sound. I think that a valid decree might be *ἄγραφον*.

'Unwritten' is a misleading translation of *ἄγραφος*. And. himself in 86 seems to regard *τοὺς ἀναγεγραμμένους νόμους* and *ἀγράφῳ νόμῳ* as opposites, and we may assume that *ἄγραφος* in this context means 'not inscribed on stone' in the basileios stoa or elsewhere (cf. note on 85); it does not mean completely 'unwritten'.

A law was intended to last for ever, a decree only for a short period. A decree would certainly not always be inscribed on stone. The first

two laws quoted in 87 run : ἀγράφῳ δὲ νόμῳ τὰς ἀρχὰς μὴ χρῆσθαι μηδὲ περὶ ἐνός. ψήφισμα δὲ μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι. This seems to me to imply fairly clearly that a ψήφισμα might be ἄγραφον and yet valid, provided that it did not contradict a νόμος.

I conclude that, in strict law, the decree of Isotimides was still valid in 400. Since decrees, as opposed to laws, usually applied to temporary situations, it might be considered unduly severe to enforce this decree fifteen years after it was originally passed. But And. does not merely plead for mercy. He claims to be innocent. This claim seems to me unjustified.

APPENDIX J

The Date of Andokides's Trial

In this Appendix I follow the view of Makkink on pages 32–35 of his edition.

121 shows that And.'s trial took place shortly after a celebration of the Eleusinian Mysteries, and they were celebrated during the later part of the month Boedromion (approximately September). But which was the year?

In 132 And. says that he has been back in Athens for three years. When did he return? After the expulsion of the Thirty, the amnesty was proclaimed on 12 Boedromion 403 (Plu. *Glor. Ath.* 7 = *Eth.* 349 f). In 411 and at the time of the speech *On his Return* And. had been very eager to return from exile; so, when the amnesty was proclaimed, it is reasonable to suppose that he took advantage of it as soon as possible, and that he returned to Athens in the autumn of 403. (October was not too late in the year for a sea-voyage; or if And. did venture to set sail a little after the end of the normal season for navigation, that only adds point to *Ag. And.* 19 *θαρρῶν*, 137 *χειμῶνος ὥρα*.) In that case, by the autumn of 400 he had been back for three years, by the autumn of 399 for four years. It is clear that these words in 132 suit a trial in 400 better than one in 399.

Beloch claimed (*Griechische Geschichte* iii 2² 16) that these words meant only that And.'s prosecutors were friendly with him for three years, and that a considerable period of enmity then followed before the trial took place; and he thought 398 was the earliest possible date for the trial. But this is a mistake. The contrast in 132 between *τρία μὲν ἔτη* and *νῦν δὲ* shows that And. meant that he had been in Athens for three years at the time when he was speaking.

Blass thought (*ABi* 291 note 6) that the offices mentioned in 132 were listed in the order in which And. held them, and that, since the office of architheoros at Olympia was clearly held in 400, the treasurer-ship could not have been earlier than 400/399. It did not seem that And. was still treasurer at the time of the trial, and so Blass placed the trial in the autumn of 399. This view has been followed by most subsequent writers. But in fact And. was not treasurer in 400/399 (for *IG* ii² 1374 shows that another member of his tribe, [Ἀλ]κίδημος *Μυρρινόσιος*, was treasurer in that year), nor in 399/8 (for *IG* ii² 1378, listing the treasurers for that year, gives someone with the demotic

[¹Ο]αθε[ν]). So the list of offices in 132 cannot be in chronological order. *εἰτα* means 'next' logically, not chronologically; it distinguishes the treasurership from the leitourgiai for which his prosecutors had proposed him. And. was probably treasurer in 401/0, or possibly in 402/1.

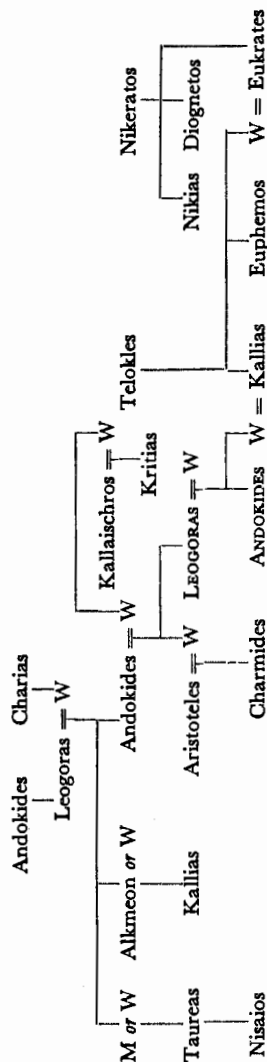
When Agyrrhios and his companions made three talents from the 2 per cent. tax, they realized how profitable the business was (134 γνόντες τὸ πρᾶγμα οἶον εἶη). Why had they not realized before? Probably because it had not been so profitable before, because trading conditions had changed since the previous year. In 403/2 normal trade had not been in progress for the whole year, so that the proceeds from the tax in that year would not be a good indication of the proceeds that could be expected in 402/1; whereas anyone buying the right to collect the tax in 401/0 would be likely to know how profitable it had been in 402/1. So probably Agyrrhios and his companions bought the right for the first time in the summer of 402. This was in the third year before And.'s trial (133 τρίτον ἔτος). So this piece of evidence also suggests that the trial was in the autumn of 400.

We are told in *Life of And.* 15 that And. flourished at about the same time as Sokrates. This is hardly true in fact, for Sokrates was born about 469, And. about 440 (see page 2 note 8). True, the author of the *Life of And.* thought that And. was born in 468/7; but if this had been his only evidence that And. and Sokrates were contemporaries he would surely have written *ἐγένετο* rather than *ἦκμακε*. Fuhr suggested that the mistake arose because it was known that the trials of Sokrates and And. both occurred in the same year. And the trial of Sokrates was in 400/399, not in 399/8.

These pieces of evidence point to the autumn of 400 as the likeliest date for And.'s trial. They do not amount to proof, but they seem to me stronger than any evidence yet produced in favour of the more popular date 399.

APPENDIX K

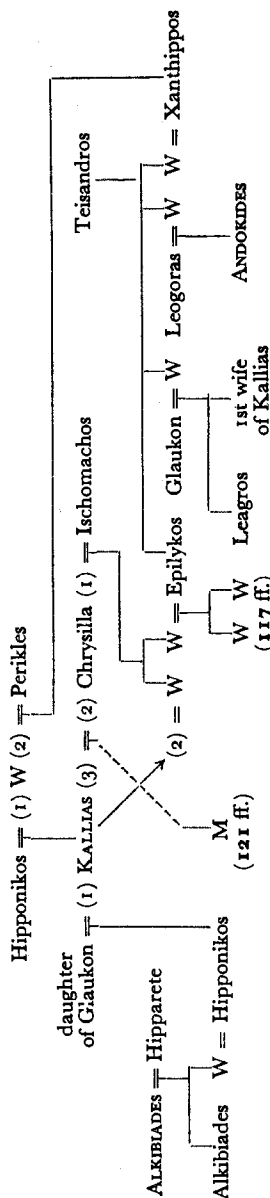
The Family of Leogoras and Andokides



M = man, W = woman. For the relations of And.'s mother, see Appendix L. I have followed the usual assumption that his great-grandfather in the male line was the Andokides of *JG* 12 393. 4; it is however possible that the Leogoras of And. 2. 26 occupied this position in the family-tree. I have omitted Phrynichos altogether, since it is not clear from 47 whether he was a cousin of And. or of Kallias son of Telokles.

APPENDIX L

The Family of Kallias



The following points require discussion:

1. Was Chrysis the daughter of Glaukon? Some editors assume that she was. But in 126 Kallias acknowledges the legitimacy of his son by the daughter of Glaukon while denying fatherhood of Chrysis's son. This passage implies that the daughter of Glaukon was someone distinct from Chrysis. So the daughter of Glaukon was a previous wife of Kallias, whom he married before the daughter of Ischomachos.
2. Who was the wife of Epilykos? She was certainly a daughter of Chrysis, since the heiress, Epilykos's daughter, was Chrysis's granddaughter (128). But was her father Ischomachos or Kallias? Kallias is usually assumed, but I think Ischomachos is more likely. And. tries to make Kallias's claim for Epilykos's daughter sound as incestuous as possible, so that if she had been Kallias's own granddaughter he would surely have said so. But he does not say so; therefore the presumption is that the heiress was the granddaughter not of Kallias but of Ischomachos.
3. Makkink identifies the son of Kallias and Chrysis with Protarchos, the character in Plato's *Philebos*, who is called 'son of Kallias' at *Phlb.* 19b; *Pl. Ap.* 20a shows that Kallias had no other sons besides the two mentioned by And. But there were so many Athenians named Kallias that we cannot be sure which one was Protarchos's father.

APPENDIX M

Meletos

THERE are eight persons named Meletos, some of whom may be identical.

(a) The man denounced by Andromachos for profaning the Mysteries (12, 13).

(b) The man who took part in the mutilation of the Hermai and was denounced by Teukros (35, 63).

(c) The prosecutor of And. (94). He was one of five persons, among them Sokrates, who in 404 were ordered by the Thirty to arrest Leon of Salamis for execution; Sokrates refused, but Meletos and the other three carried out the arrest, and Leon was put to death without trial (94, Pl. *Ap.* 32c-d).

(d) The man who, after the fall of the Thirty in 403, acted in the negotiations with Sparta as a representative of the moderate-oligarchic party which controlled Athens (X. *Hel.* 2. 4. 36).

(e) An Alkmeonid, son of Megakles, of the deme Alopeke; he was a great-grandson of the Megakles ostracized in 486, and thus a rather distant cousin of Alkibiades (*IG* ii² 1579. 19; cf. stemma in Kirchner *Prosopographia Attica* ii 53).

(f) A tragic poet (Ar. *Frogs* 1302, fr. 149, 438). He is alleged to have been of Thracian origin (Ar. fr. 438). The scholiast on Pl. *Ap.* 18b identifies him with the accuser of Sokrates, and says that Aristophanes in the *Farmers* (produced probably in 424) called him a lover of Kallias (Ar. fr. 114).

(g) The father of the accuser of Sokrates (D.L. 2. 40).

(h) The accuser of Sokrates, son of Meletos, of the deme Pitthos (Pl. *Euthph.* 2b, D.L. 2. 40), who attacked Sokrates in defence of poets (Pl. *Ap.* 23e). In 399 he was young (Pl. *Euthph.* 2b, *Ap.* 25d, 26e) and unknown to Sokrates and Euthyphron (Pl. *Euthph.* 2b). D.L. 2. 43 says that he was condemned to death when the Athenians repented of Sokrates's execution.

The most difficult problem is to decide how to treat the statement of the scholiast on Pl. *Ap.* 18b, identifying (f) with (h). Since the accuser of Sokrates was young and unknown in 399, he cannot have been notorious enough to be mentioned by Aristophanes in 424. But which was the tragic poet: the lover of Kallias or the accuser of Sokrates? The lover of Kallias is generally assumed, but E. Derenne

Les Procès d'Impiété Intentés aux Philosophes (= *Bibliothèque de la Faculté de Philosophie et Lettres de l'Université de Liège* xlv, 1930) 123-6 maintains the opposite view, that the tragic poet was the accuser of Sokrates. He thinks that the lover of Kallias was (c), whom he identifies also with (a) (b) (d); he thus finds no mentions of (f) earlier than 407, and no objection to the view that he was still young in 399. The professions of Sokrates and Euthyphron not to know (h) (Pl. *Euthph.* 2b) are, according to Derenne, ironic; (h) was in fact a poet who was eminent enough (or thought himself eminent enough) to act as a representative of all poets (Pl. *Ap.* 23e), and Plato uses irony to ridicule the man's pretensions.

This is ingenious, but I confess that I am not convinced that Pl. *Euthph.* 2b is ironic. In particular, Euthyphron's reply to Sokrates (οὐκ ἐννοῶ, ὦ Σώκратες) seems to me too curt and offhand to convey an ironic point. Another objection to Derenne's view is that Euripides is not likely to have been accused of plagiarizing from a poet who only became prominent around 407 (see Ar. *Frogs* 1302). I therefore prefer the more usual view that (f) and (h) are distinct. There is thus no reason to reject the statement of the scholiast that (f) was the lover of Kallias. Some (Derenne gives the priority to C. F. Hermann) have identified (f) with (g); however, as Derenne points out, the fact that (h) acted in defence of poets in 399 (Pl. *Ap.* 23e) does not really prove that (g) was a poet.

(h) is distinguished from (e) by their patronymics and demes, from (c) by the fact that Sokrates's colleague in 404 could not have been unknown to him in 399, from (d) by the fact that (d) could not have been young and unknown in 399, and probably from (a) and (b) in a similar way. So it is probably safe to conclude that (h) is distinct from all the other Meletoi in the list.

If we accept that (f) was associated with Kallias, and that the Kallias concerned was And.'s opponent, the son of Hipponikos, we might identify (f) with (c). If so, this would incidentally imply that the speaker of *Ag. And.*, who was probably one of the Eumolpidai (see page 15 note 1), was not Meletos, since (f) is said to have been of Thracian origin (Ar. fr. 438). But (c) is not likely to be identical with (g), since in Pl. *Euthph.* 2b Sokrates appears not to have known any Meletos of Pitthos before 399; so the identification of (f) with (c) appears to be incompatible with Hermann's identification of (f) with (g).

(e) is distinguished by deme from (g) and by ancestry from (f).

I see no objection to identifying (a) with (b), since we know from the stelai (see note on 13) that there were some who were denounced *περὶ ἀμφοτέρω*. If we assume that he escaped into exile in 415 and

returned to Athens in 404, we might identify him with (*d*) or (*e*). The relationship of (*e*) to Alkibiades makes the identification of (*a*) (*b*) with (*e*) attractive. Alternatively (*a*) (*b*) might be identified with (*g*); but not with (*f*), who was clearly in Athens in the closing years of the Peloponnesian War (Ar. fr. 149); nor with (*c*) (despite Derenne), for if (*c*) had been guilty of impiety in 415 And. would certainly have said so in his speech.

The assumption of Kahrstedt in *RE* that (*a*) (*b*) (*c*) (*d*) are all identical but (*e*) and (*f*) distinct from them seems to be unjustified. There were probably at least four Meletoi (e.g. (*a*) (*b*), (*c*) (*d*) (*e*), (*f*) (*g*), (*h*); or (*a*) (*b*) (*e*), (*c*) (*d*), (*f*) (*g*), (*h*); or (*a*) (*b*) (*d*) (*e*), (*c*) (*f*), (*g*), (*h*)), and quite possibly as many as six or seven. I do not think that the evidence is sufficient to admit of a more definite solution.

APPENDIX N

Comic Dramatists and the Profanation of the Mysteries

AMONG the men denounced by Andromachos and Teukros as taking part in the mock-celebration of the Mysteries (13, 15) are three who may, I suspect, be identified with three comic dramatists, of whose plays fragments survive.

The comic dramatist Archippos won a victory in a dramatic contest about 415 (Souda Ἀρχιππος). He produced his *Rhinon* probably in 402, for Rhinon became a general in 403 (*Ath. Pol.* 38. 4); and his *Fishes* belongs to about the same time, for fr. 27 refers to the archon of 403/2 as *Εὐκλείδην τὸν ἄρξαντα*. But there is no evidence, as far as I know, that he produced any plays between 415 and 402.

Aristomenes produced plays at dates ranging from 439 to 388. Yet none is known to belong to the period 415-04. (See dates in J. M. Edmonds *The Fragments of Attic Comedy* i 199.)

Kephisodoros had a play produced in 402 (*Lys.* 21. 4), but no play of his is known to be earlier than this. The Kephisodoros denounced in 415 was a metic (as we learn from the stelai; see note on 13), but he may well have become a citizen by 402 (see note on 149 for the opportunities).

The arguments for identifying these three dramatists with the three men of the same names in 13 and 15 are:

1. It is remarkable to find in two short lists three names borne also by comic dramatists known to have been active in this period.

2. It is still more remarkable that these three dramatists should all have been active from 402 onwards but not (as far as is known) in the period 415-04, during which those denounced for impiety in 415 could not safely return to Athens.

3. Of all kinds of person, who is more likely to enjoy a mock-ceremony than a comic dramatist? (Consider how many of Aristophanes's plays contain parodies of religious festivals, from the rural Dionysia in the *Acharnians* to the Eleusinian procession in the *Frogs*.)

But these arguments do not amount to proof.

(Platon in 35 is of course not the comic dramatist, for this dramatist competed against Aristophanes's *Frogs* in 405 (*Ar. Frogs* hyp. i). Besides, there is no reason why mutilation of the Hermai should be as attractive to a dramatist as a mock ceremony.)

APPENDIX O

The Battle ἐπὶ Παλληνίῳ

VARIOUS occasions may be suggested for the battle mentioned in 106.

1. And. may be referring to the battle of Pallene, by which Peisistratos gained power about 545. At this battle the tyrants were victorious, not defeated; And. has either forgotten this historical fact, or has deliberately distorted it to make his ancestors' achievement sound greater.

The chief objection to this view is that And.'s great-grandfather can hardly have been old enough to be a general about 545.

2. And. may be referring to some later battle which he calls 'the battle of Pallene' by mistake, confusing it with the battle of about 545.

The objections to this view are:

(a) And. is not likely to have made a mistake about the name of a battle in which his own ancestors took part.

(b) And. refers to a battle ἐπὶ Παλληνίῳ. But the battle of about 545 is never given this name; in *Ath. Pol.* 15. 3, 17. 4 it is ἐπὶ Παλληνίδι, while Hdt. 1. 62. 3 merely mentions Παλληνίδος Ἀθηναίης ἱρόν.

3. And. may be referring to an otherwise unrecorded battle ἐπὶ Παλληνίῳ, which occurred in the course of the expulsion of Hippias in 510. In this case he presumably means that Leogoras and Charias were (along with the Alkmeonids) leaders of the Athenians who assisted Kleomenes of Sparta.

When can this battle have occurred? I would suggest that the siege in Hdt. 5. 64. 2 and *Ath. Pol.* 19. 5 is likely to have been preceded by a fight in which Kleomenes, with the Athenian opponents of the tyranny, defeated the supporters of Hippias in the ἀστυ and drove them to the Πελαργικὸν τεῖχος. Could τὸ Παλλήνιον be a temple or shrine in Athens of the goddess of Pallene, just as τὸ Ἐλευσίνιον was a temple in Athens of the goddesses of Eleusis, and τὸ Δελφίνιον a temple in Athens of the god and goddess of Delphoi? That is only a guess, but it shows, I think, that a battle such as And. describes could have occurred within the framework of the known events of 510. At the end of 106 And. mentions executions, banishments, and disfranchisements; it is not at all unlikely (even though it is not explicitly stated elsewhere) that this kind of treatment was inflicted on Hippias's supporters after Hippias himself had left Athens.

4. Raubitschek (in *Rheinisches Museum* xcvi (1955) 258-62) suggests that And. is referring to the expulsion of Isagoras in 508/7. The obvious objection to this view is that there is no evidence that Isagoras was ever regarded as one of *οἱ τύραννοι*. Later Kleomenes wanted to make Isagoras tyrant (Hdt. 5. 74. 1); this does not prove that Isagoras had been a tyrant since 510, but rather implies that he had not. Isok. 16. 26 refers to forty years of tyranny; but we cannot tell from this at what date he thought the tyranny ended, since we do not know at what date he thought it began, and besides his 'forty' may be only an approximate round number.

I therefore think it more likely that And. is referring to the expulsion of Hippias in 510. I do not think that 106 contains any historical inaccuracy.

APPENDIX P

Asyndeton

No one disputes that the connective particle normally found at the beginning of each sentence in Greek to link it to the previous sentence is often omitted (especially by certain of the orators) if it is considered superfluous (because some other word provides the link) or if the omission is intended to produce a rhetorical or stylistic effect. But it has been claimed that And. sometimes omits connectives without any such justification. Denniston *The Greek Particles* xlv writes: 'Andocides and Xenophon often omit connectives in narrative with a certain naive awkwardness, and without any apparent rhetorical justification. E.g. And. i 41, 42, 82, 120, 123.' He expresses a similar view in *Greek Prose Style* 122.

It therefore seems worth while to try to classify the occasions when And. omits connectives in the speech *On the Mysteries*. I am concerned not with asyndeton between individual words or clauses, but only with asyndeton between sentences, at a colon or full stop (termed 'full asyndeton' by Denniston *Greek Prose Style* 99 ff.).

And. sometimes uses asyndeton:

1. When a demonstrative pronoun, adjective, or adverb appears near the beginning of a sentence referring back to the previous sentence. E.g. 10 ταῦθ', 13 πρῶτος μὲν οὗτος ταῦτα, 25 αἱ μὲν μηνύσεις ὦδε.

2. When a demonstrative appears near the end of a sentence looking forward to the following sentence. E.g. 20 οὕτως εἶχεν· εἰ μὲν . . .

(Some authors generally use ὅδε and its derivatives to look forward to what follows, οὗτος and its derivatives to look back to what precedes. But, as the examples already quoted from 20 and 25 show, And. does not consistently observe this rule.)

3. When a relative of connexion is used. E.g. 18 οἷς, 123 ἅπερ.

4. When a word near the beginning of a sentence, though not a connective particle or a demonstrative, clearly indicates the relationship of this sentence to what precedes. (Often it is the next item in a list.) E.g. 16 τρίτη, 76 ἐτέροις.

5. When a sentence announces in advance the subject of the following sentence. E.g. 15, 16, 17 μήνους ἐγένετο, 73 διδάξω, 117 διηγῆσθαι.

6. When a question looks forward to an answer; then the answer (or the report of the answer) needs no connective particle. E.g. 27 ἐπειδή, 64 εἶπον (following an implied question; the previous sentence posed two alternatives), 73 ἐγώ, 126 ἔλεγον.

7. When a suggestion or proposal looks forward to an answer; then too the answer (or the report of the answer) needs no connective particle. **120** ὠμολόγησέ μοι, **123** εἶπον αὐτῷ.

8. When a word near the beginning of a sentence repeats a salient word from the previous sentence. **41** and **42** ἦκειν ἔφη ('he said he *did* come'), **85** ἐπειδὴ ἀνεγράφησαν, **120** ἐπεδικασάμεθα (see also my note on this passage).

9. When a word is repeated at the beginning of successive sentences. **149** ὑμεῖς . . . εἰς ὑμᾶς . . . ὑμεῖς.

10. When a sentence is addressed to a different hearer from the previous sentence. E.g. **18** βλέπετε, **150** δεῦρο, Ἄνυτε.

11. To produce a rhetorical effect. In the series of questions in **4**, the effect seems to be an indignant *staccato*.

The asyndeton at λαβόμενος τοῦ βωμοῦ in **126** and **127** might be explained in various ways:

(a) In each case the oath is Kallias's answer to someone else's statement. (Cf. the types of asyndeton which I have numbered 6 and 7.)

(b) Repetition of a word at the beginning of successive sentences justifies asyndeton (type 9). Here we have no fewer than six words repeated at the beginning of two sentences which are only a short distance apart, even though not actually successive. The repetition is certainly no accident, but an intentional rhetorical device: 'een weloverwogen kunstgreep', as Makkink (309) calls it.

(c) In **127** ὥμοσεν echoes the salient word of the previous sentence, ὁμόσαντα (type 8): 'he *did* swear'.

(d) The asyndeton may be intended to make the style suit the subject-matter, suggesting immediate firm action without any time-wasting preliminaries.

I do not know which of these four considerations had most weight with And.; perhaps he was influenced (subconsciously of course) by all of them. (The preceding asyndeta in **126**, at ἔλεγον and ἐγώ, are of course irrelevant. They are ordinary instances of types 6 and 1.)

In **82** the text has been suspected (see Commentary). All other instances of asyndeton in the speech seem to me to fall into one or other of the categories I have listed. Nearly always the reason for the asyndeton is that some other word or feature of the sentence provides a link or indicates the sequence of thought, making a connective particle superfluous. It is not stylistically bad to omit a superfluous word, and I do not see in this any 'naive awkwardness'. Nor, presumably, did And. On a problem of Greek prose style, my opinion is worth little against Denniston's. But if Denniston and And. disagree, can we be sure that it is And. who is wrong?

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TO THE INTRODUCTION, COMMENTARY, AND APPENDIXES

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